

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

SIMON CAMPBELL, et al., :  
Plaintiffs :  
vs. : CIVIL ACTION  
NO. :  
18-CV-892-JD  
PENNSYLVANIA SCHOOL :  
BOARDS ASSOCIATION, :  
et al., :  
Defendants. :

- - -

Tuesday, May 22, 2018

- - -

Videotaped deposition of KATHY  
ANN SWOPE, taken pursuant to Notice at the  
Law Offices of Gordon & Rees Scully  
Mansukhani, LLP, 2005 Market Street, Suite  
2900, Philadelphia, Pennsylvania 19103,  
beginning at 9:08 a.m., before Brigitte A.  
Strain, a Federally Certified Registered  
Professional Reporter and a Notary Public in  
and for the Commonwealth of Pennsylvania.

- - -

VERI TEXT LEGAL SOLUTIONS  
MID-ATLANTIC REGION  
1801 Market Street - Suite 1800  
Philadelphia, Pennsylvania 19103

I N D E X			
2	- - -		
3	Testimony of: KATHY ANN SWOPE		
4	By Mr. Cohn.....10		
5	- - -		
E X H I B I T S			
7	- - -		
8	EXHIBIT NUMBER	DESCRIPTION	PAGE MARKED
9	P-64	10.13.17 e-mail from Mr. Campbell to Mr. Fairchild Subject: PSBA lawsuit Attorney letters	71
10			
11	P-85	10.12.17 letter to Mr.Heim, responding to his 7.19 letter	74
12			
13	P-94	12.2.17 Minutes	206
14	P-98	2016 PSBA bylaws	146
15	P-106	Complaint	113
16	P-110	Motion For Leave to Provide Alternative Service Pursuant To Pa. Civ. R. 430(a)	66
17			
18	P-113	10.12.17 Letter to Heim From Cohn	72
19			
20	P-114	12.8.17 Letter to Cohn From Levin	213
21	P-211	Preliminary Objections	177
22			
23			
24			

2

1 A P P E A R A N C E S :

2

GORDON & REES SCULLY MANSUKHANI, LLP  
BY: JACOB C. COHN, ESQUIRE  
BY: ERIC C. ROSENBERG, ESQUIRE  
One Commerce Square  
Suite 2900  
2005 Market Street  
Philadelphia, Pennsylvania 19103  
215.717.4004  
JCohn@grsm.com  
ERosenberg@grsm.com  
Representing the Plaintiffs

9 LEVIN LEGAL GROUP, P.C.  
BY: DAVID BROWN, ESQUIRE  
1301 Masons Mill Business Park  
1800 Byberry Road  
Huntingdon Valley, Pennsylvania 19006  
215.938.6378  
DBrown@levinlegalgroup.com  
Representing the Defendants

14 ALSO PRESENT:

15 Benjamin Neate, Video  
Technician

16 Simon Campbell

4

1	EXHIBITS (continued):		
2	EXHIBIT NUMBER	DESCRIPTION	PAGE MARKED
3			
4	P-214	Email forwarding letter to Mr. Poirier	254
5	P-222	Email, Campbell to Fairchild	137
6	P-225	Notice of Deposition	13
7	P-226	Bio of Kathy Swope	14
8	P-227	Email from Mr. Fairchild to Kathy Swope	46
9			
10	P-228	7.30.17, e-mail from Campbell To Fairchild	57
11	P-229	9.17.17 e-mail from Mr. Campbell to Mr.Fairchild. Subject: RTKL Lewisburg Area School District.	60
12			
13	P-230	September 22nd e-mail from Mr. Campbell to Mr.Fairchild. Subject: Correcting PSBA's Guidance	69
14			
15	P-231	10.13.17 e-mail from Mr. Campbell to Mr.Fairchild. Headed, Subject: PSBA lawsuit attorney letters	70
16			
17	P-232	10.14.17 e-mail from Mr. Campbell. Subject: Verifying your individual Actions re PSBA SLAPP, to Governing board members.	80
18			
19			
20			
21			
22			
23			
24			

<p>1 EXHIBITS (continued):</p> <p>2 EXHIBIT NUMBER DESCRIPTION PAGE MARKED</p> <p>3</p> <p>4 P-233 10.17.17 e-mail from Mr. Campbell to Mr. Fairchild. Subject: 5 PSBA's Amazing Self Destruction 85</p> <p>6</p> <p>7 P-234 October 2, 2017 e-mail From Mr. Campbell to Mr. Fairchild. Subject: 8 Dirty PSBA e-mail sparks New Campbell attorney 9 Demands 109</p> <p>10 P-235 10.17.17, Letter from Cohn To Heim 120</p> <p>11</p> <p>12 P-236 Letter from Heim to Cohn 128</p> <p>13</p> <p>14 P-237 11.4.17 e-mail from Mr. Campbell to Mr. Fairchild. Subject: Bailing out on PSBA (ACLU are coming) 155</p> <p>15</p> <p>16 P-238 11.12.17 Email from Campbell To Fairchild 175</p> <p>17</p> <p>18 P-239 Brief in Support of the Preliminary Objections To the Amended Complaint 179</p> <p>19</p> <p>20 P-240 11.27.17 e-mail from Mr. Campbell to Mr. Fairchild, Re: Forwarding, encouraging You to reconsider Your SLAPP suit. 179</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>7</p> <p>1 DEPOSITION SUPPORT INDEX</p> <p>2</p> <p>3 DIRECTION TO WITNESS NOT TO ANSWER</p> <p>4 Page Line</p> <p>5 31 17</p> <p>6 43 21</p> <p>7 48 6</p> <p>8 53 16</p> <p>9 56 2</p> <p>10 63 2</p> <p>11 64 13</p> <p>12 101 11</p> <p>13 116 10</p> <p>14 132 5</p> <p>15 133 1</p> <p>16 196 21</p> <p>17 211 10</p> <p>18 212 10</p> <p>19 230 23</p> <p>20 260 4</p> <p>21 263 12</p> <p>22</p> <p>23</p> <p>24</p>
<p>6</p> <p>1 EXHIBITS (continued):</p> <p>2 EXHIBIT NUMBER DESCRIPTION PAGE MARKED</p> <p>3</p> <p>4 P-241 Brief in Support of Preliminary Objections 186</p> <p>5</p> <p>6 P-242 Email from Campbell 201</p> <p>7</p> <p>8 P-243 12.5.17 e-mail from Mr. Campbell to Mr. Fairchild Subject: SLAPPer, PSBA's Latest RTKL chaos. 203</p> <p>9</p> <p>10 P-245 12.19.17 e-mail from Cohnn4 To Heim, cc Levin 224</p> <p>11</p> <p>12 P-246 5.13.18 Email from Cohn To Solicitors 246</p> <p>13</p> <p>14 PREVIOUSLY MARKED EXHIBITS REFERRED TO:</p> <p>15 61</p> <p>16 70</p> <p>17 88</p> <p>18 105</p> <p>19 107</p> <p>20 112</p> <p>21 55</p> <p>22</p> <p>23</p> <p>24</p>	<p>8</p> <p>1 VIDEO TECHNICIAN: Good</p> <p>2 Morning. We're now going on the</p> <p>3 record at 9:08 a.m. on May 29th,</p> <p>4 2018.</p> <p>5</p> <p>6 Please note that the</p> <p>7 microphones are sensitive and may</p> <p>8 pick up whispering, private</p> <p>9 conversations and cellular</p> <p>10 interference. Please turn off all</p> <p>11 cell phones or place them away from</p> <p>12 microphones as they could interfere</p> <p>13 with the deposition audio.</p> <p>14</p> <p>15 This is media unit number one</p> <p>16 of the video recorded deposition of</p> <p>17 Kathy Swope in the matter of Simon</p> <p>18 Campbell, et al. versus Pennsylvania</p> <p>19 School Boards Associates, et al.,</p> <p>20 which is filed in the United States</p> <p>21 District Court for the Eastern</p> <p>22 District of Pennsylvania, Case Number</p> <p>23 218-CV-892-JD.</p> <p>24</p> <p>25 This deposition is being held</p> <p>26 at Gordon &amp; Rees, located at 2005</p> <p>27 Market Street, One Commerce Square,</p>

1 Philadelphia, Pennsylvania.  
2 My name is Benjamin Neate from  
3 the firm Veritext, and I'm the  
4 videographer. The court reporter is  
5 Brigitte Strain from the firm  
6 Veritext.

7 I'm not authorized to  
8 administer an oath. I'm not related  
9 to any party in this action, nor am I  
10 financially interested in the  
11 outcome.

12 Counsel and all present in the  
13 room will now state their appearances  
14 and affiliations for the record.

15 MR. COHN: For the Plaintiff,  
16 Jacob Cohn of Gordon & Rees.  
17 Eric.

18 MR. ERIC ROSENBERG: Hi. Eric  
19 Rosenberg from the firm Gordon & Rees  
20 for the Plaintiff.

21 MR. BROWN: David Brown from  
22 Levin Legal Group for all Defendants.

23 VIDEO TECHNICIAN: Will the  
24 court reporter please swear in the

1 **A. Certainly. Kathy Ann Koon**  
2 **Swope, 48 Oak Wood Drive, Winfield,**  
3 **Pennsylvania.**

4 **Q.** Do you reside in Winfield?

5 **A. That is correct.**

6 **Q.** And you serve as a school  
7 board director in Lewisburg?

8 **A. That is correct.**

9 **Q.** Have you ever participated in  
10 a deposition before?

11 **A. Yes, I have.**

12 **Q.** Okay. So I could skip over  
13 the standard instructions, but I'll give you  
14 a couple anyway. One of which is, if you or  
15 counsel interjects an objection, unless he  
16 instructs you not to answer or unless I  
17 choose to rephrase the question, or withdraw  
18 the question in response to his objection,  
19 please answer it as best you can. Okay?

20 **A. Certainly.**

21 **Q.** And if you don't understand  
22 something that I'm asking, please feel free  
23 to ask for clarification. And When we are  
24 engaged in our colloquy, please wait for me

10

20:57:09

1 witness.

2 - - -

3 KATHY ANN KOON SWOPE, having  
4 first been duly sworn, was  
5 examined and testified as follows:

6 - - -

7 EXAMINATION

8 - - -

9 BY MR. COHN:

10 **Q.** All right. Good morning, Ms.  
11 Swope.

12 MR. COHN: Court reporter,  
13 please note that Mr. Campbell is  
14 present and Mr. Ilan Rosenberg may be  
15 present for parts of this.

16 BY MR. COHN:

17 **Q.** And, Ms. Swope, I am placing  
18 here a bunch of exhibits that we have  
19 previously marked that we may be using  
20 again.

21 Would you please state your  
22 full name and address for the record,  
23 please?  
24

12

1 to finish a question, and I will try hard,  
2 and I'm bad at it, to wait for you to finish  
3 an answer so that we're not talking all over  
4 each other. It makes a very bad record.  
5 And you need to keep your responses verbal  
6 rather than nonverbal or physical. Is that  
7 okay?

8 **A. Certainly.**

9 **Q.** Okay. Where are you  
10 registered to vote?

11 **A. Union County, Pennsylvania.**

12 **Q.** You don't reside there?

13 **A. Yes, I do reside there.**

14 **Q.** And you also reside in  
15 Wynnewood?

16 **A. I'm sorry?**

17 **Q.** You also reside in Wynnewood?

18 **A. No, Winfield is the town.**

19 **Q.** Oh, Winfield is in -- I  
20 thought you said -- I thought you were  
21 referring to Philadelphia.

22 **A. No. No, no, no, no.**

23 **Winfield, Pennsylvania is the name of the**  
24 **town that I live in.**

1 Q. All right. That makes it --  
 2 A. **And that is in Union County.**  
 3 Q. That's part of the Lewisburg  
 4 School District?  
 5 A. **Yes.**  
 6 - - -  
 7 (Whereupon the document was  
 8 marked, for identification purposes,  
 9 as Exhibit Number P-225.)  
 10 - - -  
 11 BY MR. COHN:  
 12 Q. Okay. So let's take a -- This  
 13 is Exhibit P-225. Have you seen your  
 14 deposition notice? That's what that is.  
 15 A. **Yes, I have.**  
 16 Q. And you're here in response to  
 17 that; correct?  
 18 A. **Pardon?**  
 19 Q. You're here pursuant to the  
 20 deposition notice; correct?  
 21 A. **That is correct.**  
 22 - - -  
 23 (Whereupon the document was  
 24 marked, for identification purposes,

1 Q. Have you gone to college  
 2 before that?  
 3 A. **Yes.**  
 4 Q. Do you have another degree?  
 5 A. **No.**  
 6 Q. Okay. When did you first  
 7 become a school board member?  
 8 A. **June of 1999.**  
 9 Q. And you have served  
 10 continuously on Lewisburg School Board since  
 11 then; correct?  
 12 A. **That is correct.**  
 13 Q. And you've been the president  
 14 since when?  
 15 A. **This is my 11th year.**  
 16 Q. Okay. Your solicitor is  
 17 currently Mr. Fanelli; is that correct?  
 18 A. **That is correct.**  
 19 Q. So tell me how you first came  
 20 to be involved with positions within PSBA?  
 21 A. **Ah.**  
 22 Q. If you don't mind, I'll make  
 23 this easier for you.  
 24 A. **Yes, it's a lot of time ago,**

1 as Exhibit Number P-226.)  
 2 - - -  
 3 BY MR. COHN:  
 4 Q. All right. Let's take a look  
 5 at P-226, which I think will help us go  
 6 through your background. It's a little bio  
 7 about you.  
 8 A. **Uh-huh.**  
 9 Q. Is this something that you  
 10 prepared for the PSBA to put up on their Web  
 11 site?  
 12 A. **That is correct.**  
 13 Q. Okay. So it is correct?  
 14 A. **Yes.**  
 15 Q. Okay. So you went to  
 16 Susquehanna University?  
 17 A. **Yes.**  
 18 Q. And you got a teaching degree?  
 19 A. **Yes.**  
 20 Q. And have you been a teacher?  
 21 A. **No.**  
 22 Q. What have you done -- when did  
 23 you graduate with your teaching degree?  
 24 A. **2010.**

1 **so I have to go back.**  
 2 Q. Trace for me --  
 3 A. **Sure.**  
 4 Q. -- your involvement in the  
 5 PSBA and the positions you held?  
 6 A. **Sure. My earliest position,**  
 7 **probably -- I don't remember the exact date**  
 8 **it began or even what year, but I began as a**  
 9 **county coordinator for PSBA. And then I**  
 10 **went on to become the assistant --**  
 11 **assistant regional director. Then I became**  
 12 **the regional director for section -- Region**  
 13 **6. Then, I -- I ran for Eastern At-Large.**  
 14 **And then I ran for president-elect. And**  
 15 **then I served as president-elect in 2015. I**  
 16 **was president in 2016. And I am immediate**  
 17 **past president for 2017 and 2018 because the**  
 18 **circumstances are such that there was not**  
 19 **another immediate past president.**  
 20 Q. So but for the fact that the  
 21 president resigned prematurely last year,  
 22 you would be off the Board this year?  
 23 A. **That is correct.**  
 24 Q. Okay. What was the first year

1 you were on the board -- which of these  
2 positions resulted in your being on the  
3 board?

4 **A. Regional director.**

5 **Q.** Okay. And that was 2008?

6 **A. Yes, that would be 2008.**

7 **Q.** And you have continuously  
8 served on the board since 2008? Were you on  
9 the board --

10 **A. No, it's been 2007, I think.**

11 **Yes, 2007, because this is my -- this is my**  
12 **11th year. So that would have been 200 -- I**  
13 **guess 2007.**

14 **Q.** Your 11th consecutive year on  
15 the board?

16 **A. Correct.**

17 **Q.** Are you the longest tenured --

18 **A. Yes.**

19 **Q.** -- governing board director?

20 **A. Yes, I am.**

21 **Q.** Okay. I see you hold some  
22 other positions related to education. You  
23 are -- What is the LASD?

24 **A. That is Lewisburg Area School**

1 **District.**

2 **Q.** Okay. And then -- Let me see  
3 if I could read the small -- or if it's on  
4 here. There's some liquid asset fund that  
5 you were involved in?

6 **A. Yes.**

7 **Q.** What is that?

8 **A. That's -- the Pennsylvania**  
9 **School District Liquid Asset Fund is a**  
10 **vehicle by which school districts can invest**  
11 **money, and I serve on the Board of**  
12 **Directors.**

13 **Q.** Okay. And do you serve on  
14 that Board of Directors because of any  
15 particular position you hold with the school  
16 district or with the PSBA?

17 **A. Yeah. You must be a school**  
18 **director to serve on that board.**

19 **Q.** Okay. Well, Nathan Mains  
20 still serves on it, doesn't he?

21 **A. Yes. Affiliated PSBA and**  
22 **Pennsylvania -- what's it called -- PASBO,**  
23 **Pennsylvania Association of School Business**  
24 **Officials jointly operate PSDLAF.**

1 **Q.** PDLAF, right?

2 **A. No.**

3 **Q.** What?

4 **A. P-S-D-L-A-F.**

5 **Q.** Okay. That's the School  
6 District Liquid Asset Fund?

7 **A. Correct.**

8 **Q.** And is that a paying position,  
9 being the trustee?

10 **A. No.**

11 **Q.** Are you on any other boards of  
12 any other education-related entities?

13 **A. Yes.**

14 **Q.** What is that? What are they?

15 **A. I serve on the board of the**  
16 **Pennsylvania Public Education Foundation.**

17 **Q.** Is that something that you  
18 need to be a school director or a PSBA  
19 director to serve as?

20 **A. No.**

21 **Q.** I also understand that you are  
22 a director of C.M. Regent Insurance Company?

23 **A. Yes, I am.**

24 **Q.** Is that a paying position?

1 **A. Yes, it is.**

2 **Q.** How much does that pay?

3 **A. That -- All of the independent**  
4 **directors -- I'm trying to think what the**  
5 **last number was. I think it is 38,000.**

6 **Q.** Per year?

7 **A. Yes.**

8 **Q.** Plus expenses to attend  
9 meetings?

10 **A. I don't put in for expenses,**  
11 **but I could.**

12 **Q.** How long have you served on  
13 the board of that company?

14 **A. Since June of 2016.**

15 **Q.** And that was when the company  
16 was purchased by Church Mutual and its name  
17 was changed?

18 **A. Yes.**

19 **Q.** Did you serve under the board  
20 of the predecessor company before it was  
21 acquired?

22 **A. Yes, I did.**

23 **Q.** From what period of time?

24 **A. 2015 to June of 2016.**

1 Q. Was there, or is there, any  
2 requirement that you be a PSBA board member  
3 to serve in that position?

4 A. Which position?

5 Q. The director of the C.M.  
6 Regent, or the company that was C.M. Regent  
7 before it changed its name.

8 A. Before it changed its name.

9 **School Boards Insurance Company, at that**  
10 **time, yes, I had to be a member of the**  
11 **governing board at that point.**

12 Q. And that's no longer --

13 A. **As far as C.M. Regent, no, I**  
14 **had no -- I have no requirements, that I**  
15 **know of.**

16 Q. As a member of the governing  
17 board, are you familiar with the bylaws of  
18 PSBA?

19 A. **Yes, I am.**

20 Q. As a member of the governing  
21 board, do you understand the function of the  
22 government board?

23 A. **I do.**

24 Q. Do you understand that one of

1 business?

2 A. **Yes.**

3 Q. Are you somebody that has the  
4 most day-to-day contact with the  
5 superintendent?

6 A. **Yes.**

7 Q. If important things are  
8 circulated on an e-mail within the school  
9 district, would you be one of the typical  
10 copy readers?

11 A. **Copy readers? Please clarify.**

12 Q. A cc.?

13 A. **No, not in school district**  
14 **business. If it goes out to staff or**  
15 **something, no, because that wouldn't be a**  
16 **governance function.**

17 Q. Okay. Have you ever met Mr.  
18 Campbell before?

19 A. **No.**

20 Q. When was the first time you  
21 heard of Simon Campbell?

22 A. **Last spring.**

23 Q. In what context did you hear  
24 about Simon Campbell?

1 the functions of the governing board is to  
2 oversee the people that run the day-to-day  
3 operations of PSBA?

4 A. **Yes.**

5 Q. And you're the president of  
6 the school board, your home school board;  
7 correct?

8 A. **That is correct.**

9 Q. As the president of the home  
10 school board, how much time, on an average  
11 week, do you spend in -- in school business?

12 A. **Just for my local school**  
13 **district?**

14 Q. Yes.

15 A. **Probably about 15 hours a**  
16 **week.**

17 Q. How much time do you spend on  
18 PSBA business on an average week?

19 A. **Maybe about four.**

20 Q. And when -- strike that.

21 As the president of the school  
22 board, is it fair to say that you are the  
23 most involved school board member on a  
24 day-to-day basis with school district

1 A. **The Right-to-Know request**  
2 **received by my school district.**

3 Q. Let's talk about Right-to-Know  
4 Law requests received by your school  
5 district in the spring of last year. There  
6 was one that was sent in March, which is not  
7 the one that PSBA sued Mr. Campbell about.  
8 Are you familiar with that one?

9 A. **Probably. I couldn't tell you**  
10 **exactly what it was about, but I was aware**  
11 **that, as of last spring at some point, that**  
12 **we began -- that we received something,**  
13 **so...**

14 Q. Did you have any conversations  
15 within the school district about Mr.  
16 Campbell's Right-to-Know Law request or  
17 requests in the spring of last year?

18 A. **Yes, I recall having a**  
19 **conversation with our business manager.**

20 Q. Is that Mr. Fairchild?

21 A. **Yes.**

22 Q. And he's also the  
23 Right-to-Know Law officer?

24 A. **That's correct.**

1 Q. When, to the best of your  
2 recollection, did you have that conversation  
3 with him?

4 A. **I don't recall.**

5 Q. Was it before or after you  
6 became aware that PSBA was considering suing  
7 Mr. Campbell?

8 A. **No, before.**

9 Q. What was your conversation  
10 with Mr. Fairchild?

11 A. **Just that we had received this  
12 request and I had suggested that, you know,  
13 that because he had said something about the  
14 request to me, I said, you know, make sure  
15 you run it by our solicitor. That was it.**

16 Q. Who at that time was Mr.  
17 Fanelli?

18 A. **Yes.**

19 Q. Your prior solicitor was  
20 replaced when, in 2016?

21 A. **No. No, no, no, no. I don't  
22 recall exactly. It's several years ago.**

23 Q. I remember reading something  
24 about his being replaced, that he was -- he

1 was replaced by Mr. Fanelli; correct?

2 A. **Yes.**

3 Q. Who was the prior solicitor?

4 A. **Carl Beard.**

5 Q. From the Beard Law Group?

6 A. **That is correct.**

7 Q. When -- Let me get a time  
8 frame here. It's my understanding from  
9 prior testimony that the vote of the  
10 governing board of PSBA to authorize a  
11 lawsuit against Mr. Campbell and PFUR, for  
12 Pennsylvanians For Union Reform, was taken  
13 at a meeting in June in Washington D.C. Is  
14 that consistent with your recollection?

15 A. **That is correct.**

16 Q. Prior to that point in time,  
17 other than your discussion with Mr.  
18 Fairchild, did you have any other  
19 discussions with anybody about Mr. Campbell  
20 or PFUR?

21 A. **Not that I recall.**

22 Q. Okay. So the first time you  
23 remember having any discussion of Mr.  
24 Campbell in the context of PSBA was at this

1 June meeting in Washington D.C.; correct?

2 A. **No, I had another  
3 conversation.**

4 Q. With whom?

5 A. **Nathan Mains.**

6 Q. And that was prior to this  
7 meeting?

8 A. **Yes.**

9 Q. And What was that  
10 conversation?

11 A. **He wanted my thoughts on how  
12 best to present this to the board.**

13 Q. What did he tell you he wanted  
14 to present to the board?

15 A. **The consideration of pursuing  
16 a lawsuit.**

17 Q. Why did he tell you that he  
18 wanted to consider pursuing a lawsuit by  
19 PSBA against PFUR and Mr. Campbell?

20 A. **I don't recall.**

21 Q. What basis did he give you for  
22 pursuing a lawsuit against PFUR and Mr.  
23 Campbell?

24 A. **Because of the -- how --**

1 **Because of the many things that had been  
2 done that were hurting our image and our  
3 reputation.**

4 Q. Which were what?

5 A. **The videos that were being  
6 sent out, the Internet Web site. Those  
7 items.**

8 Q. Did he tell you that he wanted  
9 to sue Mr. Campbell and PFUR because of the  
10 statewide Right-to-Know Law requests that he  
11 had been serving?

12 A. **No.**

13 Q. Did he say that he wanted to  
14 sue because of information that was being  
15 sought through those requests that involved  
16 financial information of PSBA?

17 A. **No.**

18 Q. Were either of those two bases  
19 for suing Mr. Campbell presented to the  
20 board?

21 A. **Not that I recall.**

22 Q. So Mr. Mains said he wanted to  
23 have PSBA sue the plaintiffs here because of  
24 their online videos and online Web sites;



1 correct?

2 **A. No, because of damaging the**  
3 **reputation of PSBA.**

4 **Q.** By the online videos and the  
5 online Web sites; correct?

6 **A. Correct.**

7 **Q.** And by the e-mails that Mr.  
8 Campbell and PFUR were sending to PSBA  
9 members; correct?

10 **A. Yes.**

11 **Q.** He wanted to sue them as  
12 well -- tell me if I'm wrong -- because,  
13 among other things, those e-mails urge the  
14 members to quit PSBA; is that correct?

15 **A. That is correct.**

16 **Q.** Okay. Did he tell you  
17 anything about Ms. Leader's assertion that  
18 Mr. Campbell had hacked into her private  
19 e-mails?

20 **A. I do know about that, but I'm**  
21 **not sure when I became aware of it.**

22 **Q.** Do you know that that has now  
23 been debunked and that contention has been  
24 abandoned?

1 **think. I don't know that I ever knew the**  
2 **exact name of the law firm. I knew that we**  
3 **were pursuing the lawsuit.**

4 **Q.** Were you told that the law  
5 firm that had been hired had a reputation  
6 that they cultivated for being nasty  
7 litigators?

8 MR. BROWN: Objection to form.

9 BY MR. COHN:

10 **Q.** You can answer.

11 MR. BROWN: You can answer, if  
12 you know.

13 THE WITNESS: No.

14 BY MR. COHN:

15 **Q.** What were you told by Mr.

16 Mains was the goal of suing Mr. Campbell?

17 MR. BROWN: Again, I instruct  
18 you not to discuss it if it was  
19 discussed in the presence of counsel.

20 MR. COHN: Well, I don't think  
21 that's appropriate. The presence of  
22 counsel does not make everything  
23 automatically privileged. If you're  
24 asking for advice or you're seeking

1 **A. Yes.**

2 **Q.** Do you know what --

3 **A. Let me clarify that. I know**  
4 **that's what's been presented as there was an**  
5 **explanation presented, but I don't know that**  
6 **it's been debunked.**

7 MR. BROWN: I will -- just to  
8 advise you not to discuss anything  
9 that was discussed by counsel or told  
10 to you by counsel.

11 THE WITNESS: Oh, I thought  
12 you would jump in if that --

13 MR. BROWN: Yes.

14 THE WITNESS: Good. Okay.  
15 You're jumping in. Good.

16 BY MR. COHN:

17 **Q.** When was the first time you  
18 ever heard about the law firm of Bochetto &  
19 Lentz?

20 **A. I do not recall.**

21 **Q.** Were you told that Bochetto &  
22 Lentz was being retained to prosecute the  
23 lawsuit against my clients?

24 **A. To be honest -- trying to**

1 advice or you're getting advice,  
2 that's one thing, but you cannot  
3 insulate an entire meeting, where  
4 other things are being discussed and  
5 facts are being transmitted, by  
6 having a lawyer hiding in the corner.

7 MR. BROWN: If the discussion  
8 was prompted from counsel, then the  
9 instruction stands.

10 BY MR. COHN:

11 **Q.** Well, let's -- I'm going to  
12 retract my question. It's my understanding  
13 that Mister -- strike that. There was a --  
14 My understanding is, there was no lawyer  
15 physically present at the June meeting in  
16 Washington D.C. Is that consistent with  
17 your recollection?

18 **A. That is correct.**

19 **Q.** And there was a lawyer on the  
20 telephone available to consult with. Is  
21 that your understanding?

22 **A. He was not just available to**  
23 **consult with, but that provided guidance.**

24 **Q.** Okay. So he was there to



1 provide legal advice and to answer questions  
2 about legal advice; correct?

3 **A. Correct.**

4 **Q.** And that was Mr. Levin?

5 **A. That is correct.**

6 **Q.** Was anybody else on the phone?

7 **A. One of the board members, I**  
8 **believe, might have been.**

9 **Q.** Okay. But no other lawyer was  
10 on the phone; correct?

11 **A. Not that I -- Well -- I don't**  
12 **recall.**

13 **Q.** You know who Mr. Heim is,  
14 David Heim?

15 **A. Yes, I do.**

16 **Q.** Do you know whether or not he  
17 was on the telephone?

18 **A. He may have been. I don't**  
19 **recall.**

20 **Q.** Now, did anybody explain --  
21 strike that. Your outside general counsel  
22 is Michael Levin; correct?

23 **A. That is correct.**

24 **Q.** And Mr. Levin typically

1 **he didn't -- didn't pursue.**

2 **Q.** Are you talking about the  
3 lawsuit in 2016, when PSBA sued Governor  
4 Wolf about school funding?

5 **A. Yes.**

6 **Q.** That was Mr. Levin; correct?

7 **A. I don't know.**

8 **Q.** Did anybody -- did you have  
9 any conversations with anybody, other than  
10 asking counsel for legal advice or getting  
11 legal advice from counsel, as to why  
12 Bochetto & Lentz was hired?

13 **A. I do not. I do not have any**  
14 **information about that.**

15 **Q.** Nobody ever told you about  
16 their nasty reputation?

17 **MR. BROWN:** Objection.

18 **THE WITNESS:** No.

19 **BY MR. COHN:**

20 **Q.** Okay. What did -- Are you  
21 aware that you've sued Mr. Campbell here  
22 seeking punitive damages?

23 **A. Yes.**

24 **Q.** Do you want to take away his

1 prosecutes lawsuits that are -- where the  
2 PSBA is involved in a party; correct -- is  
3 involved as a party; correct?

4 **MR. BROWN:** Objection.

5 **BY MR. COHN:**

6 **Q.** You can answer.

7 **MR. BROWN:** Go ahead, you can  
8 answer, if you know.

9 **THE WITNESS:** I wouldn't know.

10 **BY MR. COHN:**

11 **Q.** Okay. Well, you are aware of  
12 lawsuits that have been brought in the name  
13 of PSBA while you've been on the governing  
14 board; is that correct?

15 **A. Yes.**

16 **Q.** Are you aware of any instance  
17 when a lawsuit was brought in the name of  
18 PSBA where Mr. Levin was not PSBA's counsel  
19 in court?

20 **A. I don't know.**

21 **Q.** Who would know the answer to  
22 that? Is it Mr. Levin?

23 **A. I don't know, actually, if he**  
24 **would even know if there were lawsuits that**

1 college money for his children?

2 **MR. BROWN:** Objection.

3 **THE WITNESS:** I don't know how  
4 respond to that.

5 **BY MR. COHN:**

6 **Q.** Was it PSBA's serious  
7 intention to pursue a claim for punitive  
8 damages against Mr. Campbell?

9 **A. I'm sorry, but could you**  
10 **clarify what you mean by serious.**

11 **Q.** Is PSBA serious about pursuing  
12 a claim for punitive damages against Mr.  
13 Campbell?

14 **A. Yes.**

15 **Q.** Is it still serious about  
16 pursuing a claim against Mr. Campbell for  
17 punitive damages?

18 **A. I can't speak on behalf of**  
19 **PSBA.**

20 **Q.** Since the lawsuit was  
21 authorized in June, have there been any  
22 other votes taken by the governing board  
23 with respect to the prosecution or  
24 maintenance of the lawsuit against my

1 clients?

2 **A. We did a straw poll.**

3 **Q.** And When was that straw poll  
4 taken?

5 **A. December.**

6 **Q.** And how is a straw poll  
7 different from an ordinary vote on the  
8 governing board?

9 **A. Straw poll is -- was done by**  
10 **e-mail.**

11 MR. BROWN: Was this an e-mail  
12 directed by counsel.

13 THE WITNESS: I don't know.  
14 It might have been.

15 MR. COHN: Whether or not it's  
16 directed by counsel, it's an action  
17 of the governing board. The actions  
18 of the governing board are not  
19 privileged.

20 THE WITNESS: It wasn't an  
21 action.

22 MR. BROWN: No, if it's done  
23 at the direction of counsel, it would  
24 be work product.

1 **A. No. He didn't comment**  
2 **regarding his happiness or lack of.**

3 **Q.** What comments did he make  
4 about the lawsuit?

5 **A. I'm trying to remember. I**  
6 **believe I recall -- I believe he did say**  
7 **that -- something to the effect that --**  
8 **empathetic the fact that -- that I was named**  
9 **in it.**

10 **Q.** You're saying, after Mr.  
11 Campbell and PFUR filed this lawsuit, he  
12 made statements to you?

13 **A. Yes.**

14 **Q.** Well, it didn't come as a  
15 surprise that you were personally named, did  
16 it?

17 **A. Yes.**

18 **Q.** You weren't warned?

19 **A. By whom?**

20 **Q.** By Mr. Campbell, by Mr.  
21 Campbell's counsel?

22 **A. No, I was -- I don't recall**  
23 **being warned.**

24 **Q.** Let's set a time frame here.

1 BY MR. COHN:

2 **Q.** Who asked you to take a vote;  
3 Mr. Mains?

4 **A. I don't recall.**

5 **Q.** What was the vote? Was it  
6 unanimous to continue the lawsuit?

7 **A. I don't recall. But some of**  
8 **the answers I think went directly to**  
9 **somebody else. I'm not sure they shared**  
10 **all of it with everybody.**

11 **Q.** What conversations did you  
12 have at your school district about the  
13 lawsuit after it was authorized?

14 **A. None. We were instructed not**  
15 **to.**

16 **Q.** Did anybody at the school  
17 district share any opinions with you about  
18 the lawsuit?

19 **A. Some comments, I think, were**  
20 **made.**

21 **Q.** By Mr. Fairchild?

22 **A. Yes.**

23 **Q.** Did he tell you that he was  
24 happy about the lawsuit?

1 The lawsuit was filed in July, on July 17th;  
2 correct?

3 **A. I know it was July. I don't**  
4 **know the exact date.**

5 **Q.** And the Amended Complaint was  
6 filed in December. Are you familiar with  
7 this timeline?

8 **A. Yes.**

9 **Q.** And this lawsuit, the federal  
10 lawsuit, was filed on February 28th of this  
11 year. Are you familiar with that?

12 **A. Yes.**

13 **Q.** Okay. Between July and  
14 February, were you provided by anybody at  
15 PSBA with any of the correspondence between  
16 counsel for my clients and counsel for the  
17 PSBA?

18 **A. Yes.**

19 **Q.** Can you tell me what you were  
20 provided? Were you provided with a copy of  
21 the ACLU letter?

22 **A. Yes.**

23 **Q.** Were you provided with copies  
24 of my letters?

1 A. Yes.

2 Q. Were you provided with copies  
3 of my correspondence with Mr. Levin when he  
4 made the settlement proposal in December?

5 A. Yes.

6 Q. Were you provided with my  
7 response?

8 A. Yes.

9 Q. Did you read them?

10 A. Yes.

11 Q. Let's go through some things.

12 First of all, do you remember the blast  
13 e-mail that Mr. Mains sent out in July  
14 announcing the lawsuit?

15 A. Yes.

16 Q. And you read that at the time?

17 A. I believe I did.

18 Q. Did that e-mail accurately  
19 summarize the lawsuit and its purpose?

20 A. I don't recall.

21 Q. Do you want to take a look at  
22 it now?

23 A. Okay.

24 (Discussion held off the

1 A. Yes, sir.

2 Q. It discusses Mr. Main's May 7  
3 -- I'm sorry, Mr. Campbell's May 7th, 2017  
4 Right-to-Know Law request?

5 A. Yes.

6 Q. You weren't told, when you  
7 voted to authorize a lawsuit, that you were  
8 suing -- you were authorizing a lawsuit  
9 against Mr. Campbell and PFUR for making  
10 Right-to-Know Law requests; correct?

11 A. I didn't say that that was not  
12 something that was said. I don't recall.

13 Q. Okay. Does looking at the  
14 second paragraph of the May -- of the July  
15 17 blast e-mail refresh your recollection any  
16 further as to what was discussed with Mr.  
17 Mains in May, or discussed with the  
18 governing board in June about the reasons  
19 for the lawsuit?

20 A. The reasons for the lawsuit --

21 MR. BROWN: Again, I instruct  
22 you not to answer if these were  
23 discussions made to you by the  
24 counsel.

1 record.)

2 BY MR. COHN:

3 Q. I'm going to show you what we  
4 previously marked as Exhibit 61.

5 (Discussion held off the  
6 record.)

7 BY MR. COHN:

8 Q. Well, here, this is an  
9 identical copy of P-61. Why don't you take  
10 a moment and why don't you read that?

11 (Discussion held off the  
12 record.)

13 THE WITNESS: (Witness  
14 reviewing document.)

15 BY MR. COHN:

16 Q. Does that refresh your  
17 recollection as to the contents of that  
18 e-mail?

19 A. Yes, it does.

20 Q. Thank you.

21 A. There's been a lot of  
22 correspondence.

23 Q. So you see the second  
24 paragraph there?

1 THE WITNESS: They were.

2 That's what I was -- my recollection  
3 is that that portion of the  
4 discussion was with counsel.

5 BY MR. COHN:

6 Q. Okay. Well, looking at  
7 paragraph two, the second paragraph of the  
8 July 17 e-mail --

9 A. Uh-huh.

10 Q. -- does this accurately  
11 reflect the reasons for the lawsuit against  
12 my clients?

13 A. I think that it does not.

14 Q. In what way?

15 A. Well, because, first, I think  
16 that the -- the other piece was, that's not  
17 specified here, is the reputation damage  
18 that was being done and the defamation of  
19 PSBA.

20 Q. Okay. That would be the  
21 paragraph after that --

22 A. Yes, that's why I said, it  
23 wouldn't be just that second --

24 Q. All right. So the second and

1 third paragraphs. So does that accurately  
2 reflect the reasons why PSBA was suing my  
3 clients?

4 **A. I believe so.**

5 **Q.** Does that accurately reflect  
6 your understanding of what you were  
7 approving the lawsuit to be when you voted  
8 to approve it in June?

9 **A. Yes.**

10 **Q.** Okay. Now, Mr. Campbell sent  
11 a lot of e-mails to you and to your school  
12 district afterward. Do you remember that?

13 **A. I recall receiving one e-mail  
14 from Mr. Campbell.**

15 **Q.** Okay. Well, we'll go through  
16 that.

17 When e-mails were received by  
18 Mr. Fairchild from Mr. Campbell asking that  
19 they be forwarded to the school board, did  
20 Mr. Fairchild typically, to your  
21 understanding, forward those e-mails to the  
22 school board?

23 MR. BROWN: I'm just going to  
24 object as to how she would know that.

1 But go ahead, you can answer if you  
2 can.

3 THE WITNESS: Yes. I was  
4 going to say -- I'm trying to think  
5 if I really know that for a fact, and  
6 I don't want to give you false  
7 information. So I'm trying to think  
8 about that. I don't -- I really  
9 don't know.

10 BY MR. COHN:

11 **Q.** Well, let's start with an  
12 e-mail that we will mark as P-227, please.

13 MR. COHN: Is this 227 we're  
14 up to?

15 MR. ERIC ROSENBERG: Uh-huh.

16 MR. COHN: Thank you.

17 - - -

18 (Whereupon the document was  
19 marked, for identification purposes,  
20 as Exhibit Number P-227.)

21 - - -

22 BY MR. COHN:

23 **Q.** Please take your time and  
24 review that.

1 **A. (Complying with request.)**

2 **Q.** Do you recognize this e-mail?

3 **A. Yes, I do.**

4 **Q.** Is this an e-mail that you saw  
5 around the time it was sent?

6 **A. Yes.**

7 **Q.** Do you remember whether you  
8 received that from Mr. Fairchild?

9 **A. I don't know if it was sent  
10 directly to me or if I received it from Mr.  
11 Campbell, or whether Mr. Fairchild sent it,  
12 but I do recall seeing this e-mail.**

13 **Q.** Did you forward it to anybody?

14 **A. I don't recall.**

15 **Q.** Did you read any of the  
16 material cited? Did you read the Brentwood  
17 Academy case that he cited?

18 **A. I have.**

19 **Q.** Did you read it then?

20 **A. I don't recall when I read it.  
21 I don't know of -- I wouldn't think it was  
22 then.**

23 **Q.** Did you read the Butler Area  
24 School District resolution?

1 **A. Yes.**

2 **Q.** Do you remember having any  
3 conversations with anybody at PSBA about  
4 this resolution?

5 **A. About the resolution?**

6 MR. BROWN: Again, I would  
7 instruct you not to answer if your  
8 discussions were with counsel for  
9 PSBA.

10 THE WITNESS: Actually, I  
11 don't recall discussing it with  
12 anyone other than -- I mean, outside  
13 of my own district.

14 BY MR. COHN:

15 **Q.** You discussed it within your  
16 district?

17 **A. I discussed it within my  
18 district, yes.**

19 **Q.** At what point in time?

20 **A. Shortly after it was received.**

21 **Q.** All right. So after receiving  
22 the July 27th, 2017 e-mail, you took it upon  
23 yourself to read the Brentwood case?

24 **A. I don't know when I read the**

1 **Brentwood case, but I think it was actually**  
2 **at a different point in time.**

3 Q. All right. So what -- with  
4 whom within the Lewisburg School District  
5 did you discuss this e-mail, or the content  
6 of this e-mail?

7 A. **Mr. Fairchild.**

8 Q. What was your conversation  
9 with him?

10 A. **I said, my recollection on**  
11 **this was that he should check with our**  
12 **solicitor because that -- as to whether we**  
13 **need to do this, forward it.**

14 Q. Okay. Do you remember an  
15 e-mail from Mr. Mains to the governing board  
16 about the Butler Area School District  
17 resolution?

18 A. **No, I'm sorry, I do not.**

19 Q. 70. Let me get Exhibit P-70.  
20 This has previously been marked. I want you  
21 to take a look at that e-mail.

22 I know you're not a party to  
23 the --

24 A. **No, I have not seen the first**

1 **two pages.**

2 Q. -- beginning, the first couple  
3 of e-mails. That's an e-mail chain between  
4 Mr. Mains and Ms. Foltz, but do you see the  
5 July 27th e-mail from Mr. Mains?

6 A. **Yes.**

7 Q. Is that an e-mail you recall  
8 receiving?

9 A. **Yes.**

10 Q. By the way, do you remember  
11 Mr. Hutchinson voicing concerns about  
12 proceeding with the lawsuit?

13 A. **No, I do not.**

14 Q. So you see the e-mail about  
15 Mr. Campbell and the Right-to-Know Law  
16 request and the friends on the board at  
17 Butler. You see that paragraph, right? In  
18 the e-mail from Mr. Mains?

19 A. **In here? This page.**

20 Q. Yes.

21 A. **Because you're on a different**  
22 **page, I think.**

23 Q. No, no. Right here  
24 (indicating).

1 A. **Oh, here. Okay. Yes. It**  
2 **looked different, so I -- Yes.**

3 Q. And you could see, he's  
4 e-mailing about substantially the same  
5 e-mail that Mr. Fairchild forwarded to you.  
6 Correct?

7 A. **Correct.**

8 Q. Now, did you have any  
9 conversations with anybody at PSBA, or  
10 within PSBA following the receipt of Mr.  
11 Mains' e-mail?

12 A. **Not that I recall.**

13 Q. If you look to the first  
14 e-mail, I know it wasn't sent to you, but  
15 you see Mr. Mains writing to Ms. Foltz:

16 Were you trying to release a  
17 bit more info, such as when Simon hacked a  
18 private secure drive and stole family videos  
19 to intimidate Emily, but are hesitant to try  
20 this case in public. We will amend the  
21 lawsuit for each thing. And he's saying,  
22 he says that is defamation of PSBA.

23 Do you see that?

24 A. **I do.**

1 Q. Did you have any conversations  
2 with Nathan Mains about releasing more  
3 information?

4 A. **No, I did not.**

5 Q. Did you have any conversations  
6 with anybody at PSBA about releasing more  
7 information?

8 A. **No, I did not.**

9 Q. Did you have any conversations  
10 with anybody at PSBA about amending the  
11 Complaint prior to December?

12 A. **Not that I recall.**

13 Q. Give me those back, please.

14 A. **(Complying with request.)**

15 Q. Has the -- Has PSBA's lawsuit  
16 ever been on the agenda at a meeting of the  
17 Lewisburg Area School District?

18 A. **No.**

19 Q. Has it ever been the topic of  
20 discussion at any executive sessions of the  
21 Lewisburg School District?

22 A. **No. That wouldn't be an**  
23 **appropriate executive session item.**

24 Q. Are you aware that Mr.

1 Campbell and PFUR have communicated their  
2 intention to amend this Complaint to sue  
3 Lewisburg Area School District for ratifying  
4 your conduct?

5 **A. Excuse me. Could you clarify?**

6 **Q.** Read that question back,  
7 please. I think I like the way I phrased  
8 it.

9 (Whereupon, the court reporter  
10 read back the pertinent testimony. )

11 THE WITNESS: No.

12 BY MR. COHN:

13 **Q.** Mr. Fanelli has not shared my  
14 e-mail with you?

15 **A. Not that I --**

16 MR. BROWN: Objection. Don't  
17 answer discussions with Mr. Fanelli.

18 THE WITNESS: Yes, I wouldn't  
19 be able to answer.

20 Thank you. I'm bad at that.

21 BY MR. COHN:

22 **Q.** Do you know whether or not  
23 notice has been given to C.M. Regent  
24 Insurance Company of the claim that Mr.

1 concerning settlement of the claims against  
2 you personally?

3 MR. BROWN: Again, I'm going  
4 to object to any discussions that you  
5 had with Mike Levin or David Heim  
6 about any of these issues.

7 THE WITNESS: That's right. I  
8 have to be careful about that.

9 BY MR. COHN:

10 **Q.** Are you aware that you refused  
11 a consent to permit an insurance company to  
12 pay money to settle a lawsuit against you?

13 MR. BROWN: Objection.

14 BY MR. COHN:

15 **Q.** You can answer.

16 **A. Could you clarify your  
17 question, or repeat it?**

18 **Q.** Sure. Did you know that on  
19 March 27th Mike Levin communicated to me  
20 your absolute refusal to permit any  
21 insurance company to pay money to settle my  
22 client's claims against you personally?

23 **A. I don't know that I issued an  
24 absolute refusal of any kind, but I -- I --**

1 Campbell and PFUR are asserting against your  
2 school district for ratifying your actions  
3 on the PSBA governing board?

4 **A. I have no --**

5 MR. BROWN: Objection, but you  
6 can answer if you know.

7 THE WITNESS: I have no  
8 awareness.

9 BY MR. COHN:

10 **Q.** Are you aware of the  
11 spoliation letter that's been sent to Mr.  
12 Poirier?

13 **A. No, I'm not.**

14 **Q.** Did you -- Did you personally  
15 approve the Levin Law Firm to defend you  
16 personally in this lawsuit?

17 **A. Yes.**

18 **Q.** You were consulted about that?

19 **A. Yes.**

20 **Q.** Were you consulted about the  
21 involvement of Mr. Heim in this lawsuit?

22 **A. Yes.**

23 **Q.** Were you informed that he was  
24 going to be copied on communications

1 **there's --**

2 MR. BROWN: Again, I'm going  
3 to instruct you not to answer --

4 THE WITNESS: Yeah.

5 MR. BROWN: -- or discuss  
6 anything that you discussed with  
7 Mike.

8 THE WITNESS: Yes. I keep --  
9 BY MR. COHN:

10 **Q.** Is it your position that you  
11 refused to consent to permit an insurance  
12 company to pay money to my clients in order  
13 to get you out of this lawsuit?

14 **A. Me personally?**

15 **Q.** Yeah, you personally.

16 **A. I -- I -- I would say yes,  
17 that there was -- that I -- I did do that.**

18 **Q.** Okay. Is that still your  
19 position --

20 **A. Yes, it is.**

21 **Q.** -- that you refuse to allow  
22 anybody, to the extent you can, to pay money  
23 to get you personally out of this lawsuit?

24 MR. BROWN: Objection, but go



1 ahead. You can answer.  
 2 THE WITNESS: Yes.  
 3 MR. COHN: Okay. 228. 27 was  
 4 the last here. I need P-228, please.  
 5 - - -  
 6 (Whereupon the document was  
 7 marked, for identification purposes,  
 8 as Exhibit Number P-228. )  
 9 - - -  
 10 BY MR. COHN:  
 11 Q. P-228, do you recognize that?  
 12 A. **No, I do not.**  
 13 Q. As far as you know, you've  
 14 never seen this?  
 15 A. **That is correct.**  
 16 Q. Does Mr. Fairchild have any  
 17 instructions as to how he is to treat  
 18 e-mails that are sent to him that are  
 19 requested that they be sent on to other  
 20 people?  
 21 A. **Not -- not that I'm aware of.**  
 22 Q. Just to be clear, Mr.  
 23 Fairchild is, what? He's the business  
 24 manager?

1 A. **He was superintendent for 14**  
 2 **or 15 years.**  
 3 Q. I'm sorry, Steve's last name  
 4 again?  
 5 A. **Skalka, S-K-A-L-K-A.**  
 6 Q. Okay. Was he the assistant  
 7 superintendent before that?  
 8 A. **No.**  
 9 Q. This was an outside search for  
 10 a new superintendent?  
 11 A. **That is correct.**  
 12 Q. Who is the assistant  
 13 superintendent? Is there one?  
 14 A. **Yes.**  
 15 Q. And who is that?  
 16 A. **Cathy Moser.**  
 17 Q. And has Ms. Moser been the  
 18 assistant superintendent throughout the  
 19 relevant time here?  
 20 A. **Yes.**  
 21 Q. Going back to how far, do you  
 22 know?  
 23 A. **She was acting superintendent**  
 24 **while -- during our search period.**

1 A. **He is the -- I think his title**  
 2 **is the -- the administrator of -- I can't**  
 3 **remember, but, yes, he serves as our**  
 4 **business manager.**  
 5 Q. What are his job functions?  
 6 A. **I really don't know, I'm**  
 7 **sorry. I can give you what my impression --**  
 8 **my impression of his functions.**  
 9 Q. Well, certainly --  
 10 A. **He operates the business**  
 11 **portion of the district.**  
 12 Q. Does he answer directly to the  
 13 superintendent?  
 14 A. **Yes.**  
 15 Q. Who is the superintendent?  
 16 A. **Steve Skalka.**  
 17 Q. And how long has he been the  
 18 superintendent?  
 19 A. **Since June.**  
 20 Q. Who was the predecessor  
 21 superintendent?  
 22 A. **Mark DiRocco.**  
 23 Q. How long was he the  
 24 superintendent?

1 Q. And how long was she the  
 2 acting superintendent?  
 3 A. **From mid December of 2016**  
 4 **through June, this -- of 2017. About six**  
 5 **months.**  
 6 - - -  
 7 (Whereupon the document was  
 8 marked, for identification purposes,  
 9 as Exhibit Number P-229. )  
 10 - - -  
 11 MR. COHN: What are we up to,  
 12 229?  
 13 BY MR. COHN:  
 14 Q. Moving to 229, P-229. Let's  
 15 set that to the side. I'm done with that  
 16 for now. If you've never seen it, it's not  
 17 fair for me to question you too much about  
 18 it.  
 19 A. **Pardon me?**  
 20 Q. I said, if you've never seen  
 21 it, I don't have too many questions for you  
 22 about it.  
 23 The next document is Exhibit  
 24 P-229, which is a September 17th, 2017

1 e-mail from Mr. Campbell to Mr. Fairchild.  
2 Subject: RTKL Lewisburg Area School  
3 District.

4 And my first question, after  
5 you've had a chance to review this, is  
6 whether or not you've seen this e-mail  
7 before.

8 **A. I have seen this e-mail**  
9 **before. I did not read it.**

10 **Q.** Was this forwarded to you by  
11 Mr. Fairchild?

12 **A. Yes.**

13 **Q.** By the way, this is Mr.  
14 Fairchild's correct e-mail address on here,  
15 is it not?

16 **A. That is correct.**

17 **Q.** So we can assume that  
18 something that was sent to him was at least  
19 received by him; correct?

20 **A. Unless the computer screws up.**  
21 **We have computer problems at times.**

22 **Q.** All right. So you got this.  
23 You didn't read this.

24 **A. I scanned the pieces of it.**

1 **Q.** You sent it on to the PSBA?

2 **A. I may have.**

3 **Q.** Did you speak to anybody about  
4 it?

5 **A. No, not that I recall.**

6 **Q.** Were you aware that -- if you  
7 look at the paragraph below the Petition For  
8 Redress of Grievances heading, do you see  
9 that?

10 **A. Yes.**

11 **Q.** There's a reference, it says,  
12 the latest legal news is that on 9.12.17  
13 PSBA asked that the Cumberland County  
14 Courthouse to -- asked the Cumberland County  
15 Courthouse to agree that they can publicize  
16 their SLAPP, Strategic Litigation Against  
17 Public Participation, suit in the newspaper.  
18 Do you see that?

19 **A. I do see that.**

20 **Q.** Were you familiar at all with  
21 the efforts to serve Mr. Campbell with the  
22 Complaint?

23 **A. I do have some recollection of**  
24 **that.**

1 **Q.** Who told you about it?

2 **MR. BROWN:** I'm instructing  
3 you not to answer if --

4 **THE WITNESS:** I was going to  
5 say, I believe that was Mike.

6 **BY MR. COHN:**

7 **Q.** Okay, tell me something. How  
8 many conversations did you have with Mike  
9 Levin concerning this lawsuit? Without  
10 telling me what they were, how many did you  
11 have between July and December of 2017?

12 **A. I can't recall exactly, but**  
13 **there were several.**

14 **Q.** Typically you and he alone?

15 **A. Not in -- In some cases.**

16 **Q.** Did he call you or you'd call  
17 him?

18 **A. I'd call him.**

19 **Q.** Because you had questions  
20 about the lawsuit?

21 **A. Uh-huh.**

22 **Q.** Okay. Did you -- what did --  
23 what -- so you had an understanding that  
24 there was a petition filed in the state

1 court to have newspaper publication of the  
2 service -- service of the Complaint upon Mr.  
3 Campbell and PFUR; correct?

4 **MR. BROWN:** Objection. But  
5 you can answer, if you understood the  
6 question.

7 **THE WITNESS:** Well, I was  
8 going to try -- I was trying to stop  
9 and think because I believe that that  
10 was information I did receive from  
11 Mike as part of an update as to what  
12 was going on, so... Yeah.

13 **MR. BROWN:** Same instruction.

14 **BY MR. COHN:**

15 **Q.** Did -- Did you know that Mr.  
16 Heim falsely asserted in that petition that  
17 Mr. Campbell was evading service?

18 **MR. BROWN:** Objection.

19 **BY MR. COHN:**

20 **Q.** You can answer that.

21 **MR. BROWN:** That's if you  
22 understand the question.

23 **THE WITNESS:** I -- I would  
24 have no knowledge of that.

1 BY MR. COHN:

2 Q. Did you ever see the petition  
3 that was filed?

4 A. **I don't know. I'm not sure  
5 what it looks like, but for reference --**

6 Q. Did you ever click on any of  
7 the links to any -- of any of the e-mails  
8 that Mr. Campbell sent to you or sent to Mr.  
9 Fairchild?

10 A. **A few.**

11 Q. We'll get to that in the  
12 appropriate time.

13 Did you know that Emily Leader  
14 was -- knew in July that Mr. Campbell was  
15 going to Europe to visit his family in  
16 August, and that was why he was out of the  
17 country?

18 A. **I would have no knowledge of  
19 what Emily knew.**

20 Q. So here, for example, on this  
21 one you see there's a link there to  
22 publicize their strategic SLAPP suit, where  
23 it says, PSBA asked the Cumberland County  
24 courthouse to agree that they can publicize

1 their SLAPP suit. Do you see that?

2 A. **I do.**

3 Q. Okay. Did you click on that  
4 link?

5 A. **No.**

6 Q. That would have taken you to  
7 the actual filing.

8 MR. COHN: Let's mark Exhibit  
9 P-110.

10 - - -

11 (Whereupon the document was  
12 marked, for identification purposes,  
13 as Exhibit Number P-110. )

14 - - -

15 BY MR. COHN:

16 Q. Exhibit P-110 is the as filed  
17 Motion For Leave to Provide Alternate --  
18 Alternative Service Pursuant to PA.Civ.R.  
19 430(a) that was filed on September 12 of  
20 2017 by PSBA.

21 A. **You want me to read this, I  
22 assume?**

23 Q. The question is, have you ever  
24 seen this before?

1 A. **No, I have not.**

2 Q. Then I have no questions for  
3 you about it.

4 Have I covered all the boards  
5 that you serve on?

6 MR. BROWN: Objection, but go  
7 ahead, you can answer, if you  
8 understand.

9 THE WITNESS: I don't know.

10 BY MR. COHN:

11 Q. School Board, PSBA, Liquid  
12 Asset Fund, Board of C.M. Regent. Are there  
13 any other boards you serve on?

14 A. **Let me think a moment.**

15 **Yeah, I told you the  
16 Pennsylvania Public Education Foundation.**

17 Q. Right.

18 A. **I also serve on the Board of  
19 Directors for the PSBA Insurance Trust.**

20 Q. Is that a remunerative  
21 position?

22 A. **No.**

23 Q. And the Insurance Trust is the  
24 -- is the collective insurance buying entity

1 that buys insurance on behalf of a lot of  
2 the school boards; is that right?

3 A. **No.**

4 Q. No?

5 A. **No, we have -- That's not  
6 correct.**

7 Q. So tell me what the Insurance  
8 Trust is.

9 A. **We have -- It's the remaining  
10 pieces that were not purchased by C.M.  
11 Regent. So it's like student accident  
12 insurance and that kind of thing.**

13 Q. Okay. Well, your school  
14 district gets insurance and one piece of it  
15 is issued by C.M. Regent, and another piece  
16 of it comes with a Memorandum of Insurance  
17 for the Insurance Trust. Are you familiar  
18 with that?

19 A. **The -- Yes.**

20 Q. Okay. Is that the same  
21 Insurance Trust where -- that you serve on  
22 the Board of?

23 A. **Yes.**

24 Q. So there is -- Something

1 having to do with -- with -- getting  
2 insurance for a collection of school  
3 districts, is one of the functions that your  
4 -- your Insurance Trust engages in still; is  
5 that correct?

6 **A. I don't know. I'm not very**  
7 **familiar with that aspect of what you're**  
8 **talking about. Like I said, we have**  
9 **insurance that we provide and sell to**  
10 **insurance -- to school districts.**

11 MR. COHN: P-230.

12 - - -

13 (Whereupon the document was  
14 marked, for identification purposes,  
15 as Exhibit Number P--230. )

16 - - -

17 (Discussion held off the  
18 record. )

19 BY MR. COHN:

20 **Q.** This is Exhibit P-230,  
21 September 22nd e-mail from Mr. Campbell to  
22 Mr. Fairchild. Subject: Correcting PSBA's  
23 Guidance.

24 And the first question I have

1 as Exhibit Number P-231.)

2 - - -

3 BY MR. COHN:

4 **Q.** This is a Friday, October 13,  
5 2017 e-mail from Mr. Campbell to Mr.  
6 Fairchild. And it's headed, Subject: PSBA  
7 lawsuit attorney letters.

8 Is this an e-mail you've seen  
9 before?

10 **A. Not that I recall.**

11 **Q.** It references a number of  
12 things. This is October 13th. Let's look  
13 at some of the things that he attached links  
14 to.

15 - - -

16 (Whereupon the document was  
17 marked, for identification purposes,  
18 as Exhibit Number P-64.)

19 - - -

20 BY MR. COHN:

21 **Q.** So this is Exhibit P-64, Mr.  
22 Heim's July 19th letter to Mr. Campbell and  
23 Pennsylvanians For Reunion Reform.

24 (Discussion held off the

1 is whether or not this is an e-mail that you  
2 have seen.

3 **A. I'm not sure if I've ever seen**  
4 **this or not, to be honest.**

5 **Q.** Do you know whether or not Mr.  
6 Fairchild was ever given any instruction  
7 within your school district as to how to  
8 handle e-mails that were received from Mr.  
9 Campbell or from PFUR?

10 MR. BROWN: Objection. But  
11 you can answer, if you know.

12 THE WITNESS: Just that he  
13 should check with his -- our  
14 solicitor on anything he has a  
15 question about with any e-mail.

16 BY MR. COHN:

17 **Q.** As far as you know though,  
18 there were no standing instructions as to  
19 how he was to handle Mr. Campbell's e-mails?

20 **A. Oh, no. No.**

21 MR. COHN: 231.

22 - - -

23 (Whereupon the document was  
24 marked, for identification purposes,

1 record.)

2 BY MR. COHN:

3 **Q.** Is this a letter that you've  
4 seen?

5 **A. I cannot recall. I may have.**

6 **Q.** Okay. Looking at it doesn't  
7 refresh your recollection as to whether or  
8 not you've seen this before?

9 **A. No, it does not.**

10 **Q.** Okay.

11 **A. Because I may have received it**  
12 **and not read it, so that's why I'm unsure.**

13 **Q.** Okay.

14 (Discussion held off the  
15 record.)

16 - - -

17 (Whereupon the document was  
18 marked, for identification purposes,  
19 as Exhibit Number P-113.)

20 - - -

21 BY MR. COHN:

22 **Q.** P-113. This is my October 12,  
23 2017 letter to Mr. Heim, responding to his  
24 July 19 letter that we just looked at to Mr.

1 Campbell.  
 2 Do you remember seeing that  
 3 e-mail?  
 4 **A. I do not recall seeing --**  
 5 **Q.** You never saw this letter?  
 6 **A. No, I didn't say -- I don't**  
 7 **recall if I've seen it.**  
 8 **Q.** Do you remember hearing  
 9 anything about the content of this letter?  
 10 MR. BROWN: And I'll instruct  
 11 you not to discuss what you may have  
 12 been advised by Mr. Heim or Mr.  
 13 Levin.  
 14 THE WITNESS: I'm sorry.  
 15 Could you repeat the question?  
 16 BY MR. COHN:  
 17 **Q.** Do you remember hearing  
 18 anything about the content of this letter?  
 19 **A. Not that I recall.**  
 20 **Q.** Did anybody let you know that  
 21 this letter advised Mr. Heim that a lawsuit  
 22 against you was being contemplated?  
 23 MR. BROWN: Same instruction,  
 24 don't answer what was discussed with

74

1 the counsel.  
 2 THE WITNESS: I don't recall  
 3 that.  
 4 BY MR. COHN:  
 5 **Q.** Do you see the last page? It  
 6 says, "Also, please let the 10 government  
 7 official PSBA directors know that Simon  
 8 contemplates suing them in their personal  
 9 capacities on the assumption that each of  
 10 them voted in favor of filing the SLAPP  
 11 suit." Do you see that?  
 12 **A. I do.**  
 13 **Q.** When is the first time you  
 14 became aware that Simon Campbell and PFUR  
 15 were thinking about suing you?  
 16 **A. Suing us --**  
 17 **Q.** Suing you.  
 18 **A. Oh, suing me personally?**  
 19 **Q.** Yes.  
 20 **A. I don't recall because I don't**  
 21 **-- I don't think -- there's so much**  
 22 **information in all of this stuff that -- and**  
 23 **so many different kinds of threats and**  
 24 **things, that it's hard to distinguish when I**

75

1 **learned of each one.**  
 2 **Q.** We'll keep on going through  
 3 this chronologically. Then maybe it will  
 4 help you out.  
 5 **A. Thank you.**  
 6 **Q.** By the way, do you remember  
 7 your district receiving a letter from Mr.  
 8 Campbell's counsel -- personal counsel in  
 9 the Cumberland County case?  
 10 **A. No, I do not.**  
 11 **Q.** Do you know whether or not  
 12 your district has ever instituted a  
 13 litigation hold with respect to information  
 14 concerning Mr. Campbell, or the interactions  
 15 between the District and the PSBA?  
 16 **A. Yes, I do recall something**  
 17 **about that.**  
 18 **Q.** When do you --  
 19 MR. BROWN: I'll instruct you  
 20 not to discuss any conversations you  
 21 may have had with your solicitor.  
 22 THE WITNESS: Right. That's  
 23 right. That might have been from  
 24 that. I don't know for sure.

76

1 BY MR. COHN:  
 2 **Q.** When do you remember hearing  
 3 about a litigation hold for the District?  
 4 **A. I don't recall.**  
 5 (Discussion held off the  
 6 record.)  
 7 - - -  
 8 (Whereupon the document was  
 9 marked, for identification purposes,  
 10 as Exhibit Number P-85.)  
 11 - - -  
 12 BY MR. COHN:  
 13 **Q.** P-85 is a letter from the  
 14 Nauman Smith Law Firm, dated October 16,  
 15 2017, signed by Joshua D. Bonn, B-O-N-N.  
 16 **A. I remember the information**  
 17 **about this from our solicitor, now that I**  
 18 **see it.**  
 19 **Q.** So you remember hearing about  
 20 this letter?  
 21 **A. No, I just remember**  
 22 **information about this topic from our**  
 23 **solicitor.**  
 24 MR. BROWN: Again, I'll

1 instruct you not to discuss what  
2 conversations you had with your  
3 solicitor.

4 THE WITNESS: Okay.

5 BY MR. COHN:

6 Q. Do you remember -- does seeing  
7 this date of October 16 refresh your  
8 recollection as to the time period in which  
9 you would have had that kind of discussion  
10 with your solicitor?

11 A. **No. To be honest, my father**  
12 **was having a heart surgery during this time**  
13 **and I wasn't fully engaged in this type of**  
14 **activity.**

15 Q. Do you know whether the  
16 Lewisburg Area School District instituted a  
17 litigation hold in October, 2017?

18 A. **I don't know exactly when in**  
19 **October, but I know that there was a**  
20 **litigation hold instituted.**

21 Q. That was last fall, not this  
22 spring?

23 A. **(No response.)**

24 Q. That was last fall, Not this

1 Q. Do you know whether or not  
2 there are any instructions given to the IT  
3 Department?

4 I take it that Lewisburg has  
5 an IT department?

6 A. **We have a person.**

7 Q. Does the litigation hold  
8 protocol include giving instructions to that  
9 person?

10 A. **I don't recall if it**  
11 **specifically does.**

12 Q. Okay. Then I guess we can  
13 make a Right-To-Know Law request of it for  
14 the protocol.

15 A. **It's right online, you don't**  
16 **even have to.**

17 Q. Okay. Thank you.

18 A. **Certainly.**

19 Q. Were you involved in any  
20 deliberations within PSBA about whether or  
21 not to provide the information that was  
22 requested in the plaintiff's statewide  
23 Right-to-Know Law request of May of 2017?

24 A. **Repeat the question.**

78

1 spring?

2 A. **As far as I can recall.**

3 Q. Do you know whether the  
4 District has an established litigation hold  
5 protocol?

6 A. **Yes.**

7 Q. Is it in writing?

8 A. **Yes.**

9 Q. Okay. Do you know -- Are you  
10 familiar with its -- with its provisions?

11 A. **I have familiarity with it.**

12 Q. Can you tell me what your  
13 understanding is of those protocols?

14 A. **When --**

15 MR. BROWN: Objection, but you  
16 can answer, if you know.

17 THE WITNESS: Yeah. My  
18 recollection, we have a policy on  
19 this. And that it's outlined in the  
20 policy that if a litigation hold is  
21 requested, that notice be sent out to  
22 all persons who might have  
23 information regarding that topic.

24 BY MR. COHN:

80

1 Q. You know that the lawsuit, the  
2 underlying lawsuit here sues Mr. Campbell  
3 and PFUR --

4 A. **Right.**

5 Q. For making a request in May of  
6 2017; right?

7 A. **Correct.**

8 Q. And you know that in  
9 particular the lawsuit sues PFUR and Mr.  
10 Campbell for asking for information through  
11 the districts that is financial information  
12 of PSBA. You know that; correct?

13 A. **I am familiar with that.**

14 Q. Were you party to any  
15 discussion within PSBA about whether to  
16 provide the requested information to the  
17 school districts to provide to Mr. Campbell?

18 A. **No.**

19 (Discussion held off the  
20 record.)

21 - - -

22 (Whereupon the document was  
23 marked, for identification purposes,  
24 as Exhibit Number P-232.)



1 - - -

2 BY MR. COHN:

3 Q. P-232 is an October 14, 2017  
4 e-mail from Mr. Campbell. Subject:  
5 Verifying your individual actions re PSBA  
6 SLAPP. And it's to the governing board  
7 members.

8 (Discussion held off the  
9 record.)

10 BY MR. COHN:

11 Q. That was P-232.

12 And, Ms. Swope, we'll take a  
13 break in 10 minutes, if that works for you,  
14 while they change the media.

15 A. **That will be perfect, thank**  
16 **you.**

17 Q. This is an October 14th e-mail  
18 that notices -- that shows that it was sent  
19 to you. Was this received by you?

20 A. **Let me continue to read and**  
21 **see if I can recall.**

22 **(Reading document.)**

23 **Yes, it was.**

24 Q. Do you remember receiving it

82

1 and reading it?

2 A. **I do.**

3 Q. Did you forward it on to the  
4 PSBA?

5 A. **I may have.**

6 Q. You see that Mr. Campbell is  
7 writing to you in your capacity as a  
8 Lewisburg Area School District Director.  
9 You see that?

10 A. **Yes.**

11 Q. And he writes, "It is my  
12 presumption that all of you as individual  
13 government officers, the people who  
14 constitute 10 of PSBA's 11 board directors,  
15 conspired to approve the lawsuit that PSBA  
16 filed against me on July 17, 2017 in the  
17 Cumberland County Court of Common Pleas. If  
18 this presumption for any of you is  
19 incorrect, promptly respond in writing to  
20 that effect, explicitly condemning PSBA'S  
21 litigious action." You see that?

22 A. **I do.**

23 Q. And you did not respond to  
24 that, did you?

1 A. **Well, it would not be**  
2 **appropriate to respond during a lawsuit.**

3 Q. And attached to that is my  
4 letter of October 12th, 2017. Do you see  
5 that?

6 A. **That's the same letter that is**  
7 **over here, is it?**

8 Q. It is.

9 A. **Okay.**

10 Q. It is. Is the -- You don't  
11 remember clicking on any link or reading  
12 anything on this, do you?

13 A. **No.**

14 Q. Okay. And you didn't respond  
15 -- Strike that.

16 Did you discuss this e-mail  
17 with anybody at PSBA?

18 MR. BROWN: Same instruction,  
19 not to discuss what you discussed  
20 with counsel.

21 THE WITNESS: Yeah, not that I  
22 can recall.

23 BY MR. COHN:

24 Q. Did you send this to your

84

1 school board solicitor?

2 A. **I would not have, no.**

3 Q. Even though it was written to  
4 you as -- as a school board member?

5 MR. BROWN: Objection. But  
6 you can answer if you understand the  
7 question.

8 THE WITNESS: It didn't  
9 involve my school district.

10 BY MR. COHN:

11 Q. That's what you determined by  
12 yourself, right?

13 A. **That is correct.**

14 Q. You determined that without  
15 seeking the solicitor's input. Correct?

16 MR. BROWN: Objection to any  
17 extent that you discussed it with  
18 counsel.

19 MR. COHN: She said she  
20 didn't.

21 THE WITNESS: That I can  
22 recall.

23 BY MR. COHN:

24 Q. Okay. Is this the kind of

1 thing, when -- when you get a letter --  
 2 Strike that. All right.  
 3 By the way, with respect to my  
 4 letter to Mr. Heim, was it your testimony  
 5 you don't remember whether or not you ever  
 6 saw that?

7 **A. Yes, I don't recall seeing**  
 8 **that.**

9 - - -

10 (Whereupon the document was  
 11 marked, for identification purposes,  
 12 as Exhibit Number P-233.)  
 13 - - -

14 BY MR. COHN:

15 **Q.** P-233 is an October 17, 2017  
 16 e-mail from Mr. Campbell to Mr. Fairchild.  
 17 Subject: PSBA's Amazing Self Destruction.  
 18 Again, my question to you is  
 19 whether or not you've seen it, P-233.

20 VIDEO TECHNICIAN: There's  
 21 about five minutes left.

22 THE WITNESS: I recall seeing  
 23 this, but again, I didn't read the  
 24 whole thing at that time. There's

1 you meet with anybody?

2 **A. We had met with counsel.**

3 **Q.** Who's "we"?

4 **A. Not we. I.**

5 **Q.** When was that?

6 THE WITNESS: Do I have to  
 7 discuss that?

8 MR. BROWN: You can tell him  
 9 when we met.

10 THE WITNESS: Yes. We -- we  
 11 talked by phone, David and I,  
 12 yesterday. And Mike Levin and I  
 13 talked a couple of weeks ago.

14 MR. BROWN: Don't discuss the  
 15 content, just when.

16 THE WITNESS: Yeah.

17 BY MR. COHN:

18 **Q.** Did you review any documents  
 19 to prepare for this deposition?

20 **A. No, I did not. I was not**  
 21 **asked to do that.**

22 **Q.** Okay. If you turn to the  
 23 second page of this e-mail, you see there's  
 24 a sentence that starts, "Bullies are

1 parts of this I don't remember.

2 BY MR. COHN:

3 **Q.** Have you ever read it before  
 4 today?

5 **A. I read parts of it. In its**  
 6 **entirety, no, not till today.**

7 **Q.** Did Mr. Fairchild forward this  
 8 to you around the time that he received it?

9 **A. I believe he did.**

10 **Q.** So you scanned it and didn't  
 11 read it thoroughly at that time?

12 **A. That is correct.**

13 **Q.** That's the only time you've  
 14 seen it until today?

15 **A. No, I probably -- I think I**  
 16 **probably forwarded it -- saw it when I**  
 17 **forwarded it to -- We were asked to provide**  
 18 **everything.**

19 **Q.** Okay. What did you do to  
 20 prepare for your deposition today?

21 **A. In terms of?**

22 **Q.** Preparing. I know you drove  
 23 here. Did you do anything other than drive  
 24 here? Did you review any documents? Did

1 bullies?"

2 **A. I see it, yes.**

3 **Q.** He writes, "No more playing  
 4 games. Lewisburg Area SD is not neutral for  
 5 as long as it is silent about the  
 6 misappropriation of membership dues to file  
 7 a SLAPP. It is time for Lewisburg Area  
 8 School District to belatedly pass the  
 9 resolution. I request a copy be sent to me  
 10 and PSBA, please. Everyone also needs to be  
 11 on the phone telling CEO Nathan Mains to  
 12 withdraw his SLAPP and issue a public  
 13 apology to me." Do you see that?

14 **A. I do.**

15 **Q.** Do you remember seeing that at  
 16 the time?

17 **A. Yes.**

18 **Q.** Did you have any discussion  
 19 within the Lewisburg School District about  
 20 Mr. Campbell's request that a resolution be  
 21 passed condemning the lawsuit?

22 **A. No.**

23 **Q.** Did you have any discussion  
 24 with anybody within Lewisburg Area School

1 District about condemning the lawsuit?

2 **A. I did not.**

3 **Q.** Where did the money come from  
4 to pay the lawyers that were pursuing the  
5 lawsuit?

6 MR. BROWN: Objection.

7 BY MR. COHN:

8 **Q.** From PSBA's funds?

9 **A. I'm sorry, you lost me a  
10 little bit there.**

11 **Q.** PSBA was --

12 **A. We were talking about the  
13 District and you're changing gears. Okay.**

14 **Q.** I'm changing gears to PSBA,  
15 because he's writing that he doesn't like  
16 the idea that PSBA -- that the district  
17 money is being used by PSBA to pay for the  
18 lawsuit.

19 **A. Okay. Where does PSBA's money  
20 come from?**

21 **A. There are several sources.**

22 **Q.** And the vast majority of it  
23 comes from the school districts; correct?

24 MR. BROWN: Objection, but you

1 can answer, if you know.

2 THE WITNESS: It comes -- we  
3 also have non-dues revenue as well.

4 BY MR. COHN:

5 **Q.** Is that kept in a segregated  
6 account?

7 **A. I don't know how the  
8 accounting is kept.**

9 **Q.** Is there any basis for Mr.  
10 Mains to say that segregated money from  
11 non-school district sources is what's being  
12 used to pay for the lawsuit?

13 **A. I can't say what Nathan should  
14 say or not say. I don't know.**

15 **Q.** Just before this e-mail on  
16 October 16th was the second blast e-mail  
17 that Mr. Mains sent out to the PSBA members  
18 about this lawsuit. Do you remember that?

19 MR. BROWN: Objection to the  
20 form, but go ahead.

21 THE WITNESS: No, I would not  
22 have known that if you had not told  
23 me.

24 BY MR. COHN:

1 **Q.** Okay. Well, you know what,

2 let's take a break, we could change the  
3 media and then we'll take a look at Mr.  
4 Mains' October 16th last e-mail that had the  
5 link to the underlying Complaint.

6 VIDEO TECHNICIAN: The time is  
7 now 10:31 a.m.

8 We are off the video record.

9 This ends media unit number one.

10 (Whereupon there was a recess  
11 in the proceedings.)

12 VIDEO TECHNICIAN: The time is  
13 now 10:45 a.m. We're back on the  
14 video record. This begins media unit  
15 number two.

16 THE WITNESS: Before we get  
17 started, I have to correct something  
18 on the record.

19 BY MR. COHN:

20 **Q.** Okay.

21 **A. You asked about all the boards  
22 I serve on. I also serve on the Board of  
23 the Green Dragon Foundation.**

24 **Q.** Which is what?

1 **A. That is our school district  
2 foundation that provides -- supports the  
3 districts by fundraising for different  
4 things in the district.**

5 **Q.** I take it that's a volunteer  
6 position?

7 **A. Yes, it is.**

8 **Q.** Green Dragons, is that the  
9 mascot?

10 **A. It is indeed.**

11 **Q.** It's better than a Hilltopper.  
12 Westmont Hilltoppers, that's where I'm from.

13 **A. They could have done better.**

14 **Q.** That's where I'm from,  
15 although I did notice that they were one of  
16 the founding school districts of the liquid  
17 asset fund.

18 **A. There you go.**

19 **Q.** I'm placing before you Exhibit  
20 P-88, which was previously marked. This is  
21 Mr. Mains' blast e-mail of October 16th. I  
22 ask you to take a moment to review it. And  
23 my first question to you will be whether or  
24 not you have seen this before.

1 A. **Yes, I have.**

2 Q. And did you see it before it  
3 was sent?

4 A. **No.**

5 Q. Were you involved in any  
6 discussion about whether this should be sent  
7 and what it should say?

8 A. **No, I was not.**

9 Q. So you became aware of it  
10 after it was sent?

11 A. **Right.**

12 Q. You'll see in here, this is  
13 the one where he -- where Mr. Mains includes  
14 a link to an unfiled version of the  
15 underlying Complaint. Do --

16 A. **Yes.**

17 Q. -- you see that?  
18 Were you aware that he was  
19 doing that?

20 A. **Not in advance.**

21 Q. Did you have any discussions  
22 with anybody about this e-mail?

23 A. **Not that I can recall.**

24 Q. Any discussions with anybody

1 about the wisdom, or lack of wisdom of  
2 disseminating a copy of the Complaint?

3 A. **No.**

4 Q. Are you aware of when the  
5 lawsuit was actually served on Mr. Campbell?

6 A. **I knew there was repeated  
7 attempts and there was a delay in -- but I  
8 don't remember how long.**

9 Q. Was there any discussion -- I  
10 will represent to you that Mr. Campbell  
11 received mail copies of the Complaint on  
12 October 20th. The lawsuit was filed on July  
13 17th. Was there any discussion, with that  
14 time frame in mind, within PSBA of whether  
15 or not to actually follow through with  
16 serving the Complaint?

17 MR. BROWN: Again, I'll  
18 instruct you not to answer what was  
19 discussed by counsel, Heim or Levin.

20 THE WITNESS: There -- there  
21 -- Not that I can recall.

22 BY MR. COHN:

23 Q. So there was no discussion at  
24 all, whether or not it was with counsel, as

1 -- that you can recall, regarding whether or  
2 not to serve the lawsuit after it was filed  
3 and before it was actually served?

4 A. **I'm sorry, could you -- I  
5 didn't understand your question.**

6 Q. I'm just clarifying. You have  
7 no recollection of there being any  
8 discussion within PSBA of the -- of whether  
9 or not to carry forward with serving the  
10 lawsuit before it was actually served.

11 A. **You mean in the time period  
12 where it was -- the suit was filed, but the  
13 service had not occurred.**

14 Q. All right. Let me back it up.

15 A. **Sorry.**

16 Q. So, the suit was filed, the  
17 sheriff was sent out. The sheriff couldn't  
18 find Simon because he was in England and  
19 Europe, and they returned no service.  
20 You're aware of those facts?

21 A. **Yes.**

22 Q. And then there was -- there  
23 was an attempt to serve Mr. Campbell by  
24 other means than sending the sheriff to his

1 house.

2 A. **Correct.**

3 Q. Were there -- and am I correct  
4 that you're not aware of any discussions in  
5 -- from the time period that began after  
6 sheriff service was -- was unsuccessful and  
7 before he was actually served with whether  
8 or not to cease efforts to serve Mr.  
9 Campbell?

10 A. **Definitely not. There were no  
11 -- no such that I was part of.**

12 Q. And no discussion about  
13 dismissing the lawsuit prior to its being  
14 served?

15 A. **Not that I can recall.**

16 Q. And going back to 233, I read  
17 to you that Mr. Mains was -- I'm sorry, Mr.  
18 Campbell was trying to get everybody to tell  
19 Mr. Mains to withdraw his SLAPP and issue a  
20 public apology. You are not --

21 A. **Everybody was trying to tell  
22 him to do that?**

23 Q. No, my point is --

24 A. **That's not correct.**

1 Q. No. Let me read this then to  
 2 you again, so we're all on the same page.  
 3 This is what Mr. Campbell  
 4 wrote the day after Mr. Mains' blast e-mail.  
 5 A. **Is that this one?**  
 6 Q. Yes. You can pull that back  
 7 out in front of you.  
 8 A. **Thank you.**  
 9 Q. And when you get to right here  
 10 (indicating) --  
 11 A. **Yep.**  
 12 Q. -- he says, "I request a copy  
 13 be sent to me in PSBA, please." And the  
 14 next sentence, everyone needs -- also needs  
 15 to be on the phone telling CEO Nathan Mains  
 16 to withdraw his SLAPP and issue a public  
 17 apology to me.  
 18 And do you see that's what --  
 19 What --  
 20 A. **I do see it says that, yep.**  
 21 Q. And you're saying there was no  
 22 discussion around that time frame, of which  
 23 you are aware, of PSBA's doing so; correct?  
 24 A. **Doing?**

1 myself. I was not interested in  
 2 withdrawing.  
 3 BY MR. COHN:  
 4 Q. And you're not interested  
 5 today, are you?  
 6 A. **I am not.**  
 7 Q. Okay. It's going to take a  
 8 federal court to issue an injunction before  
 9 you'll appreciate that this lawsuit needs to  
 10 be dismissed; correct?  
 11 MR. BROWN: Objection. You  
 12 can answer.  
 13 THE WITNESS: Repeat the  
 14 question. I want to make sure I  
 15 understood it.  
 16 BY MR. COHN:  
 17 Q. I'm just making it clear that  
 18 you have no current intention, if the issue  
 19 -- Strike that.  
 20 January 2018, January 1, you  
 21 have a new governing board with three  
 22 members leaving the board and three members  
 23 joining the board; correct?  
 24 A. **Correct.**

1 Q. Pulling back the lawsuit and  
 2 --  
 3 A. **No.**  
 4 Q. -- apologizing to Mr.  
 5 Campbell?  
 6 A. **There was no discussion to do**  
 7 **that.**  
 8 Q. Are you aware that at that  
 9 point in time this lawsuit could have been  
 10 settled before withdrawing the claim and  
 11 making an apology?  
 12 MR. BROWN: Objection, but you  
 13 can answer, if you know.  
 14 THE WITNESS: If I did know  
 15 that, it would have been through  
 16 counsel. So I don't think I should  
 17 answer.  
 18 BY MR. COHN:  
 19 Q. PSBA was not interested in  
 20 pulling back the lawsuit at that time;  
 21 correct?  
 22 MR. BROWN: Objection.  
 23 THE WITNESS: I cannot speak  
 24 for PSBA, I can only speak for

1 Q. And you guys refer to that as  
 2 the 2018 governing board?  
 3 A. **That is correct.**  
 4 Q. Last year was the 2017  
 5 governing board?  
 6 A. **Correct.**  
 7 Q. And seven of the ten  
 8 individual defendants in this lawsuit are  
 9 carryovers from the 2017 governing board;  
 10 correct?  
 11 A. **That is correct.**  
 12 Q. And then who are the three new  
 13 ones?  
 14 A. **The new ones would be -- Take**  
 15 **a moment here.**  
 16 Q. Is Mr. Kerek a new one?  
 17 A. **Yes, Mr. Kerek.**  
 18 **Names are always the things**  
 19 **that get away from me.**  
 20 **Our new treasurer -- blanking**  
 21 **on his name. And then somebody else was new**  
 22 **as well.**  
 23 Q. Stacy Thompson, right?  
 24 A. **Yes.**

1 Q. Why did Stacy Thompson resign?  
 2 A. **I don't -- I don't know**  
 3 **Stacy's reason. She gave us a letter that**  
 4 **she had a lot of things going on in her life**  
 5 **that were very difficult. She lost her**  
 6 **husband recently.**

7 Q. In 2018, has there been any  
 8 consideration by the governing board of  
 9 discontinuing the state court lawsuit?

10 A. **In 2018.**

11 MR. BROWN: Instruct you not  
 12 to answer --

13 THE WITNESS: I'm thinking --  
 14 I think that the only conversation we  
 15 had, that Mike was with us in  
 16 discussing it in executive session  
 17 with our solicitor.

18 BY MR. COHN:

19 Q. I don't understand. The  
 20 governing board has a solicitor separate and  
 21 apart from --

22 A. **Mike Levin was with us.**

23 Q. -- Mike Levin?

24 A. **No, he was with us.**

1 Q. Okay. And when did that  
 2 meeting take place?

3 A. **I believe that would have been**  
 4 **in January. And then we had -- I guess that**  
 5 **was -- I don't know if we had another board**  
 6 **meeting after -- yeah, we did have another**  
 7 **board meeting after that. I don't remember**  
 8 **when the last one was.**

9 Q. Was it before or after the  
 10 federal lawsuit was commenced on February  
 11 28th?

12 A. **It was -- That would have been**  
 13 **after the last one, I believe.**

14 Q. You're saying that there has  
 15 been no governing board meeting since  
 16 February -- since before February 28th of  
 17 2018?

18 A. **No, I didn't say that. I said**  
 19 **that there has been -- Our next meeting is**  
 20 **in June and we -- and there was one, and I**  
 21 **couldn't remember. I think it was in April.**

22 Q. Okay. Was the subject of the  
 23 federal lawsuit on the agenda?

24 A. **It was not on the agenda, as**

1 **far as I can recall.**

2 Q. Was it discussed?

3 THE WITNESS: Since it was  
 4 with our solicitor, am I allowed to  
 5 answer that?

6 MR. BROWN: He's asking, was  
 7 the subject discussed.

8 BY MR. COHN:

9 Q. I'm asking you about the  
 10 subject. Was the subject of the federal  
 11 court lawsuit discussed?

12 A. **Yes, I believe so.**

13 Q. Was the subject of the state  
 14 court lawsuit discussed?

15 A. **I believe it was all discussed**  
 16 **as one content.**

17 Q. Were they discussed in an  
 18 executive session with the presence of  
 19 counsel?

20 A. **That is correct.**

21 Q. With the physical presence of  
 22 counsel?

23 A. **Yes, sir.**

24 Q. Where did the -- Where did

1 this meeting take place?

2 A. **PSBA headquarters.**

3 Q. Where did the January meeting  
 4 take place?

5 A. **It was not at PSBA**  
 6 **headquarters, I don't think. We were in**  
 7 **Hershey -- Hershey, because it was part of**  
 8 **the -- something else. Yeah.**

9 Q. At the April meeting, did  
 10 anybody -- Strike that, are your governing  
 11 board meetings run according to a protocol?

12 A. **When you say -- you mean like**  
 13 **Robert's Rules?**

14 Q. Yes, exactly what I mean.

15 A. **Yes.**

16 Q. Do you use Robert's Rules of  
 17 Order as the guide to the way that these  
 18 meetings are conducted?

19 A. **I'm not sure what -- what is**  
 20 **our governing document as to which --**  
 21 **whether it's Robert's or something else, but**  
 22 **it's that -- it's parliamentary procedure.**

23 Q. Any governing board director  
 24 can make a motion at a governing board



1 meeting; correct?

2 **A. Yes.**

3 **Q.** Any governing board director  
4 could have made a motion to discontinue the  
5 state court lawsuit at either of the two  
6 2018 team meetings; correct?

7 **A. At either of the --**

8 **Q.** At either of the two -- There  
9 were two 2018 team governing board meetings  
10 that you just testified to.

11 **A. Yes.**

12 **Q.** Am I correct that any one  
13 governing board member could have made a  
14 motion pursuant to the procedures of the  
15 governing board to discontinue the state  
16 court lawsuit?

17 **A. Yes.**

18 **Q.** Did any member of the  
19 governing board make a motion to discontinue  
20 the lawsuit?

21 **A. No.**

22 **Q.** Was the -- was a motion to  
23 discontinue the lawsuit otherwise presented  
24 to the governing board?

1 vote taken to discontinue the lawsuit?

2 **A. No.**

3 **Q.** And you've never asked to  
4 discontinue the lawsuit; correct?

5 **A. No. That is correct.**

6 **Q.** And it's your intention never  
7 to bring a motion to discontinue the  
8 lawsuit; correct?

9 **MR. BROWN:** Objection. Go  
10 ahead.

11 **THE WITNESS:** I was going to  
12 say that, you used the word  
13 discontinue. That doesn't mean, you  
14 know, that if some time in the future  
15 a settlement was agreeable on both  
16 parties, that I would object to that.

17 I'm not going to -- just a  
18 Motion to Dismiss.

19 **BY MR. COHN:**

20 **Q.** Okay. You understand that a  
21 central focus of this lawsuit is to get a  
22 federal judge to compel you to cause PSBA to  
23 discontinue the lawsuit; correct?

24 **A. Yes, I am correct. I mean,**

1 **MR. BROWN:** I object.

2 **THE WITNESS:** Yeah, if it was  
3 that would --

4 **MR. BROWN:** I advise --

5 **THE WITNESS:** -- have been  
6 part of a discussion with counsel.

7 **BY MR. COHN:**

8 **Q.** I'm not asking for advice.  
9 I'm asking for an official action. Was an  
10 official motion placed by anybody to take a  
11 vote as to whether or not to discontinue the  
12 state court lawsuit?

13 **A. I think I need to ask my  
14 attorney a question.**

15 **MR. BROWN:** That's still  
16 covered by attorney/client privilege.

17 **BY MR. COHN:**

18 **Q.** Was a vote taken as to whether  
19 or not to discontinue the state court  
20 lawsuit?

21 **A. At the meeting, I answered  
22 that there was not, in the -- in the formal  
23 meeting.**

24 **Q.** Was there in any meeting a

1 **that is correct. I do understand that.**

2 **Q.** Okay. And you still don't  
3 understand that the existence of this  
4 lawsuit is endangering your home school  
5 district, do you?

6 **MR. BROWN:** Objection. I  
7 don't think that's a proper question.

8 **BY MR. COHN:**

9 **Q.** Well, you can answer it.

10 **MR. BROWN:** If you think you  
11 understand his question, you can  
12 answer it.

13 **THE WITNESS:** So -- Could you  
14 repeat the question, please? I'm  
15 sorry.

16 **BY MR. COHN:**

17 **Q.** Are you aware of Mr.  
18 Campbell's intention, after the injunction  
19 is issued, assuming that it is issued, to  
20 amend his Complaint to add new parties?

21 **A. I -- I think I saw that in one  
22 of his documents that you've showed.**

23 **Q.** Well, I don't think you've  
24 seen anything about amending this -- that

1 Complaint that didn't exist yet. You know  
2 what, we'll get to it.

3 **A. No, I thought there was a**  
4 **reference to -- or you made a reference**  
5 **verbally to our individual districts.**

6 **Q.** There was. There was. And  
7 we'll get to that. I'll show you a document  
8 that you may or may not have seen when we  
9 get to it. Okay?

10 **A. Okay.**

11 **Q.** Moving along with P-233?

12 MR. ERIC ROSENBERG: 234.

13 - - -

14 (Whereupon the document was  
15 marked, for identification purposes,  
16 as Exhibit Number P-234.)

17 - - -

18 MR. COHN: P-234, David.

19 MR. BROWN: Thank you.

20 THE WITNESS: What happens  
21 when we run out of alphabet letters?

22 MR. COHN: Well, the Ps are  
23 always, and I don't think we're going  
24 to run out of any other numbers.

1 **Q.** Have you ever seen my letter  
2 to Mr. Heim?

3 **A. Is that the one you showed me**  
4 **earlier here?**

5 **Q.** No. It's the one that -- this  
6 is P-113.

7 **A. Okay.**

8 **Q.** Let me give you P-113, Ms.  
9 Swope. It's marked P-113, which is my  
10 October 12, 2017 letter.

11 MR. COHN: No, this is the  
12 wrong letter. Stop. Hold on. I  
13 need the October 17 letter, or  
14 October 16.

15 (Discussion held off the  
16 record.)

17 - - -

18 BY MR. COHN:

19 **Q.** All right. Well, we will get  
20 back to it.

21 Was there any discussion  
22 within PSBA about the reaction to Mr. Mains  
23 having sent a link to the copy of the  
24 underlying Complaint to 4500 people?

1 (Discussion held off the  
2 record.)  
3 BY MR. COHN:  
4 **Q.** Again, this is a Saturday,  
5 October 2, 2017 e-mail from Mr. Campbell to  
6 Mr. Fairchild. Subject: Dirty PSBA e-mail  
7 sparks new Campbell attorney demands.

8 Again, my question is, did you  
9 ever see this e-mail before?

10 **A. I have seen this.**

11 **Q.** Did you see it at or around  
12 the time that it was sent?

13 **A. Yes.**

14 **Q.** Did you review it thoroughly?

15 **A. I'm sorry. Could you repeat**  
16 **the question?**

17 **Q.** Did you review this e-mail  
18 thoroughly when you received it?

19 **A. No, I did not.**

20 **Q.** Did you click on the e-mail  
21 link to the letter that I had sent to Mr.  
22 Heim?

23 **A. No, I don't believe I clicked**  
24 **on any of the links.**

1 MR. BROWN: Objection, but you  
2 can answer, if you can.

3 THE WITNESS: No, not that I'm  
4 aware of.

5 BY MR. COHN:

6 **Q.** Have you ever seen the  
7 underlying Complaint?

8 **A. Yes.**

9 **Q.** When's the first time you  
10 looked at it?

11 **A. I don't recall exactly when,**  
12 **but at some point I read the Complaint.**

13 **Q.** Well, in what context?

14 Well, let me back up. Your  
15 lawyers have admitted for you that you  
16 didn't see the Complaint before it was  
17 filed. Do you agree with this?

18 **A. That's correct.**

19 **Q.** How long after the original  
20 Complaint was filed did you first review it?

21 **A. I don't know, because**  
22 **sometimes when I receive an e-mail -- I get**  
23 **over a hundred e-mails a day. So to back**  
24 **up, sometimes -- I sometimes don't get**

1 **caught up for a couple of days, or even a**  
2 **week or two.**

3 Q. Was there something that  
4 triggered your filing -- I'm sorry, your  
5 reading of the Complaint?

6 A. **Not that I can recall.**

7 Q. Why don't we mark this then?

8 MR. COHN: This is Exhibit  
9 P-106. Eric, make me a sticker,  
10 please.

11 - - -

12 (Whereupon the document was  
13 marked, for identification purposes,  
14 as Exhibit Number 106.)

15 - - -

16 THE WITNESS: My recollection,  
17 it would have been about the time not  
18 long after I received a copy because  
19 I would have been anxious to read  
20 that.

21 BY MR. COHN:

22 Q. This is the initial Complaint.

23 A. **Uh-huh.**

24 Q. So your under -- your belief

1 turn then to paragraph --

2 A. **Give me a page first.**

3 Q. Sure. Page seven.

4 A. **Uh-huh.**

5 Q. You See paragraph 25,

6 "Campbell has even gone so far as to

7 personally target PSBA staff members by

8 mentioning them by name in his videos he

9 posts online."

10 A. **Uh-huh.**

11 Q. Did I read that correctly?

12 A. **Yes, you did.**

13 Q. Paragraph 26. "In one bizarre

14 instance Campbell apparently searched for

15 and captured a personal family video of a

16 PSBA staff member, which included young

17 children." Do you see that?

18 A. **I do.**

19 Q. You read all this at the time;

20 right?

21 A. **I did.**

22 Q. Okay. Paragraph 27.

23 "Campbell then included hyperlinks to the

24 video in an e-mail on which he was copying

1 is that you would have reviewed this  
2 Complaint some time --

3 A. **When it first became available**  
4 **to me, within a few -- within a week or two.**

5 Q. So July of 2017, within a week  
6 or two of its having been filed, it would  
7 have been sent to you and you would have  
8 read it. That's your testimony?

9 A. **That's my belief, yes.**

10 Q. Okay. Did you read it  
11 thoroughly?

12 A. **Yes.**

13 Q. Was it consistent with what  
14 you thought you had authorized to be filed?

15 A. **Yes.**

16 Q. Were you aware that it accused  
17 Mr. Campbell of committing crimes?

18 MR. BROWN: Objection.

19 Please --

20 THE WITNESS: I don't think I  
21 would have that kind of an awareness,  
22 not knowing the law.

23 BY MR. COHN:

24 Q. Well, okay. Let's -- let's

1 the PSBA staff member whose family was  
2 depicted on the video." You see that?

3 A. **I do.**

4 Q. Did you ever talk to Emily  
5 Leader about this?

6 A. **No, I did not.**

7 Q. What did you hear from anybody  
8 about this situation?

9 A. **I heard --**

10 MR. BROWN: Again, I'll

11 instruct you not to answer what you

12 were told about this issue by

13 counsel.

14 THE WITNESS: Okay. Let me  
15 thank you for reminding me because I  
16 have to think about that in trying to  
17 distinguish -- I believe that -- that  
18 I had heard -- I'm trying to think  
19 where I even had heard that. No, I  
20 think that was in the -- that was in  
21 the discussion with counsel.

22 BY MR. COHN:

23 Q. Okay.

24 A. **So, yeah. No. I'm sorry.**

1 Q. All right. So paragraph 28.

2 A. **Uh-huh. This was clearly done**  
 3 **to intimidate the PSBA staff member. And**  
 4 **when combined with the rest of Campbell's**  
 5 **conduct, such conduct -- the conduct**  
 6 **constitutes a violation of Pennsylvania's**  
 7 **harassment and stalking statutes, pursuant**  
 8 **to 18 PA CSA Section 2709, 18 PA CSA Section**  
 9 **2709.1a.**

10 A. **Uh-huh.**

11 Q. And you read that at the time;  
 12 right?

13 A. **Yes.**

14 Q. And you understood that he was  
 15 been accused of engaging in criminal conduct  
 16 from this, didn't you?

17 A. **No, I did not know it was a**  
 18 **criminal -- that harassment was a criminal**  
 19 **crime.**

20 Q. You didn't know that  
 21 harassment and stalking are crimes in  
 22 Pennsylvania?

23 A. **I didn't know it was --**  
 24 **whether it was criminal or a misdemeanor or**

118

1 **whatever, yes, sir.**

2 Q. Well, just for your future  
 3 reference, any time you see an 18 in front  
 4 of the PA CSA, that's the a Criminal Code of  
 5 Pennsylvania.

6 A. **Oh.**

7 Q. And Mr. Heim went out of his  
 8 way to put this in there. Can you tell  
 9 me --

10 MR. BROWN: Objection.

11 BY MR. COHN:

12 Q. -- what this has at all to do  
 13 with the causes of action that are being  
 14 asserted against Mr. Campbell in this  
 15 lawsuit?

16 A. **I don't think I'm the best one**  
 17 **to answer that question.**

18 Q. Okay. You've read this and  
 19 you understand what you authorized a lawsuit  
 20 against.

21 A. **Yes.**

22 Q. Can you explain to me what  
 23 relevance you understood this to have to the  
 24 lawsuit and the causes of action for which

1 PSBA was suing Mr. Campbell?

2 MR. BROWN: Objection.

3 THE WITNESS: It would be  
 4 conjectural on my part, and I  
 5 wouldn't want to do that in this  
 6 case.

7 BY MR. COHN:

8 Q. Could it be because PSBA  
 9 intentionally hired extra nasty counsel?

10 MR. BROWN: Objection.

11 THE WITNESS: No, I don't  
 12 think that's correct.

13 BY MR. COHN:

14 Q. Did you ever do any research  
 15 into Mr. Bochetto's law firm?

16 A. **No, sir.**

17 Q. Okay. So you're not aware of  
 18 the legal decisions that talk about his --  
 19 their potentially unethical conduct, are  
 20 you?

21 MR. BROWN: Objection.

22 BY MR. COHN:

23 Q. Well, we could put it in the  
 24 record. If you've never heard of it, I

120

1 don't need to mark the case.

2 MR. COHN: You know it's a  
 3 Third Circuit decision. I'm sure  
 4 you're aware of it.

5 All right. What are we up to,  
 6 P-235. We're back in time here for a  
 7 minute. Actually, we go forward in  
 8 time here for a minute.

9 - - -

10 (Whereupon the document was  
 11 marked, for identification purposes,  
 12 as Exhibit Number P-235.)

13 - - -

14 BY MR. COHN:

15 Q. P-235 is my letter to David  
 16 Heim, dated October 17, 2017.

17 (Discussion held off the  
 18 record.)

19 MR. COHN: By the way,  
 20 Counsel, is this still a live link?  
 21 It was as of Friday.

22 MR. BROWN: I'm not sure. I  
 23 know there were efforts being made to  
 24 make it not live. As of this moment,

1 I can't say for certain.

2 BY MR. COHN:

3 Q. Have you ever seen this letter  
4 before?

5 A. **No, but it could be in --**  
6 **There's a cache of documents that was**  
7 **accessible that I did not access.**

8 Q. Including this letter that you  
9 could have clicked through from the -- Mr.  
10 Campbell's October 17 e-mail?

11 A. **Correct. I would assume it's**  
12 **in there. I have no idea.**

13 Q. You are aware that because of  
14 this letter PSBA made -- put its insurance  
15 companies on notice of a claim by Mr.  
16 Campbell?

17 A. **I know that -- that we put**  
18 **them on notice. I don't know the impetus**  
19 **for that.**

20 Q. Were you involved in any  
21 discussions with anybody about whether or  
22 not to disable the link in Mr. Mains'  
23 October 16 blast e-mail to the draft  
24 Complaint?

1 received it?

2 A. **I believe I did.**

3 Q. Did you review the exhibits  
4 prior to this being filed?

5 A. **No. Some of the -- wait, let**  
6 **me clarify that.**

7 A number of the things that  
8 were listed I may have seen. I don't know  
9 offhand which ones or how many.

10 Q. Turning to paragraph 19 of the  
11 Complaint.

12 A. **Page six?**

13 Q. Page five.

14 Do you see the image of Mr.  
15 Mains? It's not a very good reproduction,  
16 but do you see that?

17 A. **Yes, I do.**

18 Q. Did you ever visit  
19 PAUnionReform.org's Web site prior to the  
20 filing of this lawsuit?

21 A. **Yes.**

22 Q. And did you review the  
23 PSBAhorror page?

24 A. **Some things on it, yes.**

1 A. **No, I have not been involved**  
2 **in any conversations regarding that.**

3 Q. Are you aware that there is a  
4 -- that if you click on Mr. Mains' -- the  
5 link in Mr. Mains' October 16, 2017 e-mail,  
6 you were led to an exact, but unfiled copy  
7 of the Complaint that we're reviewing right  
8 now? Are you aware of that?

9 A. **Your letter indicates that,**  
10 **so I am. Other than that, I would not have**  
11 **been aware.**

12 Q. Do you approve of Mr. Mains  
13 sending a link to a copy of the Complaint  
14 accusing Mr. Campbell of being a criminal to  
15 4500 individuals?

16 MR. BROWN: Objection.

17 BY MR. COHN:

18 Q. You can answer.

19 A. **I actually don't see it the**  
20 **way that you see it. We are very big about**  
21 **transparency. So I see it as being**  
22 **transparent to our membership.**

23 Q. Okay. Did you review any of  
24 the exhibits to this Complaint when you

1 Q. Did you review the Mains  
2 photograph with the word bubble?

3 A. **Yes, there was -- It didn't**  
4 **look like this, the one I recall seeing**  
5 **though.**

6 Q. Okay. But it was in the  
7 context of other content on that page.  
8 Correct?

9 A. **Correct.**

10 Q. Do you remember what the  
11 content of that page was?

12 A. **I remember that across the top**  
13 **there were a number of different links to**  
14 **different things to do with PSBA,**  
15 **PSBAhorrors, and all that kind of stuff.**

16 I remember that this had a --  
17 like the -- it had like F'ing.

18 Q. It had symbols that were not a  
19 word. Correct?

20 A. **No, it inferred fucking.**

21 Q. That's what you inferred from  
22 it. Correct?

23 A. **I think anybody would infer**  
24 **that, yes, but certainly did.**

1 Q. Okay. And that's a word that  
2 you in American English inferred. Correct?

3 A. Yes.

4 Q. When did you first become  
5 aware that Mr. Campbell was British?

6 A. **I think an early e-mail that**  
7 **he sent, I clicked on a -- I think it was**  
8 **the first video he sent out. I clicked to**  
9 **see what you would put in a video that has**  
10 **to do with the Right-to-Know.**

11 Q. Is it fair to say that the  
12 content of PSBAhorror and PS -- and you also  
13 visited the PSBA Investigation --  
14 Investigate PSBA Web page of Union Reform?

15 A. **I don't specifically recall**  
16 **that, or what was on there. I may have.**

17 Q. Do you remember the content of  
18 what you reviewed as being generally  
19 critical of PSBA?

20 A. Yes.

21 Q. And generally critical of PSBA  
22 employees' receipt of public pension?

23 A. Yes.

24 Q. And generally being critical

1 of PSBA's guidance to school districts as to  
2 how to respond to Mr. Campbell's  
3 Right-to-Know Law requests?

4 A. **I don't recall seeing that. I**  
5 **recall seeing a really, really disgusting**  
6 **video that was very inappropriate to do with**  
7 **wanking.**

8 Q. Do you have an understanding  
9 of the various definitions and usages of the  
10 word wanker and wanking in British English?

11 A. **I certainly -- from that**  
12 **video, they made pretty clear references to**  
13 **semen and such, I think I got the idea.**

14 Q. Okay. That's the secret  
15 wanker meeting video that he posted after  
16 the lawsuit was filed?

17 A. Yes.

18 Q. That was a comedy sketch?

19 A. **Yes, but it was portrayed as**  
20 **us. And I clicked on it and I said, how did**  
21 **they get a video of us.**

22 Q. And nobody could obviously  
23 believe that that would be you; correct?

24 A. **No. I said, wait a minute,**

1 **this isn't us, but I don't know if anybody**  
2 **else who knew that wasn't us.**

3 Q. It's a parody. You know what  
4 a parody is; correct?

5 A. **I do know what a parody is.**

6 Q. Okay. You know you're suing  
7 him over parodies, right?

8 MR. BROWN: Objection.

9 BY MR. COHN:

10 Q. You can answer it.

11 A. **I know that -- that the way**  
12 **the PSBA was portrayed was part of our**  
13 **concerns.**

14 Q. Okay. In parodies?

15 MR. BROWN: Objection.

16 THE WITNESS: I won't call it  
17 that because I don't agree.

18 BY MR. COHN:

19 Q. Prior to the filing of this  
20 lawsuit, of the underlying lawsuit, did you  
21 bear personal animus towards Mr. Campbell?

22 A. **No.**

23 Q. Do you currently bear personal  
24 animus towards Mr. Campbell?

1 A. **No, I do not. I don't even**  
2 **know Mr. Campbell.**

3 Q. But you sued him for punitive  
4 damages; right?

5 MR. BROWN: Objection.

6 THE WITNESS: The -- I  
7 participated and agreed to the  
8 lawsuit, yes.

9 BY MR. COHN:

10 Q. All right. Let's take a look  
11 at Mr. Heim's response to me, to my October  
12 17 letter, which is P-235.

13 MR. COHN: Are we at P-236?  
14 Is that this letter?

15 - - -

16 (Whereupon the document was  
17 marked, for identification purposes,  
18 as Exhibit Number P-236.)

19 - - -

20 BY MR. COHN:

21 Q. P-236 is Mr. Heim's letter  
22 back to me.

23 A. **Uh-huh.**

24 Q. My first question to you will



1 be if you have ever seen this letter before.

2 **A. I believe I have.**

3 **Q.** In what context have you  
4 reviewed this letter?

5 **A. I believe it was that we've**  
6 **been -- we, as in the defendants, have been**  
7 **kept up-to-date with the correspondence.**  
8 **And I think it was sent to me in that sense.**

9 **Q.** Back in November?

10 **A. Yes.**

11 **Q.** See the last paragraph, Mr.  
12 Heim writes, "Finally, threats of civil  
13 rights claims based on state action  
14 accomplished nothing and have no plausible  
15 basis in law or fact. Neither the nature of  
16 voluntary membership at PSBA, a private  
17 corporation, nor the nature of the services  
18 PSBA members have the option of purchasing  
19 could possibly support the assertion that  
20 PSBA is a state actor legally capable of  
21 violating federal constitutional rights."

22 Do you see that?

23 **A. I do.**

24 **Q.** Now, as part of your being

1 THE WITNESS: I'm not sure  
2 what you mean.

3 BY MR. COHN:

4 **Q.** Are you aware of the extent to  
5 which Mr. Heim has been writing the briefs  
6 that are being filed on your behalf?

7 MR. BROWN: Objection.

8 THE WITNESS: I would have no  
9 awareness of that.

10 BY MR. COHN:

11 **Q.** Have you been consulted,  
12 without going into any -- any detail with  
13 respect to the positions that are being  
14 taken on your behalf in the federal court  
15 action?

16 **A. Positions regard -- Could you**  
17 **clarify what you mean?**

18 **Q.** Legal positions, arguments.  
19 Are you being consulted -- have you been  
20 consulted, prior to the filing of any of  
21 these briefs, as to the positions that are  
22 being taken in this lawsuit on your behalf?

23 MR. BROWN: I'm going to  
24 object. This is getting into

1 kept up-to-date on what's going on in this  
2 lawsuit, have you been sent the briefs that  
3 have been filed before Judge Dubois?

4 **A. Could you be specific as to**  
5 **what they -- what they reference?**

6 **Q.** Let's talk about the two  
7 Motions that are currently pending before  
8 Judge Dubois. There is a motion to dismiss  
9 the lawsuit, to which there is an opposition  
10 brief. Have you been provided with those?

11 **A. Yes, I've seen both.**

12 **Q.** Have you read those?

13 **A. Yes, I have.**

14 **Q.** There is a Motion for the  
15 entry of a permanent injunction. There is  
16 an opposition. And there is a reply brief  
17 to that. Have you been given those?

18 **A. I believe so.**

19 **Q.** Have you read those?

20 **A. Yes.**

21 **Q.** And you still consent to Mr.  
22 Heim's involvement behind the scene of the  
23 defense of the federal court action?

24 MR. BROWN: Objection.

1 attorney/client privilege, what was  
2 discussed with her.

3 MR. COHN: I'm asking whether

4 --

5 MR. BROWN: So I'm going to  
6 instruct her not to answer.

7 MR. COHN: I'm asking -- I'm  
8 asking you temporally, because it's  
9 obvious to me that she wasn't  
10 consulted because that's why you're  
11 taking positions in the lawsuit that  
12 are exposing her to punitive damages.  
13 And I just want to know whether,  
14 before you took those positions in  
15 the lawsuit, in the papers that you  
16 filed, whether or not -- without  
17 getting into anything, whether or not  
18 she has been consulted whatsoever as  
19 to whether -- with respect to  
20 positions that are being taken on her  
21 behalf in advance of their being  
22 taken.

23 MR. BROWN: No, I still think  
24 this is -- this is getting into

1 attorney/client privilege. I'm  
2 instructing her not to answer.  
3 MR. COHN: All right. You're  
4 on the record; I'm on the record.  
5 MR. BROWN: Okay.  
6 BY MR. COHN:  
7 Q. So, interestingly, this letter  
8 is filed -- sent on November 2nd of 2017.  
9 You see that?  
10 A. **I do.**  
11 Q. That's about two weeks after  
12 the PSBA received a letter from the ACLU;  
13 correct?  
14 A. **I don't know the date of the**  
15 **letter from the ACLU, but I have seen that.**  
16 Q. Have you, in your experience  
17 as a school board director, or as a director  
18 of PSBA, come to know anything about the  
19 ACLU?  
20 A. **Yes.**  
21 Q. What do you understand that  
22 they do?  
23 A. **I think it would be boring for**  
24 **me to sit and go through everything I know**

1 Q. Okay, you don't think the  
2 ACLU, in particular, knows what they're  
3 talking about when it comes to the First  
4 Amendment?  
5 MR. BROWN: Objection.  
6 THE WITNESS: I don't think  
7 that's what I said. If that's what  
8 you took, I didn't mean that. I said  
9 --  
10 BY MR. COHN:  
11 Q. Would you agree with me that  
12 the first -- that the ACLU, in particular,  
13 knows what they're talking about when it  
14 comes to the First Amendment, as opposed to  
15 other general lawyers involved in the  
16 practice of law?  
17 A. **Well, there's constitutional**  
18 **lawyers. I think that they would be on**  
19 **equal footing, in my personal opinion, with**  
20 **the ACLU.**  
21 Q. Are you aware that Mr. Heim  
22 holds himself out as having expertise in  
23 constitutional law?  
24 A. **No, I'm not.**

1 **about that.**  
2 Q. Do you understand them to  
3 pursue the defense of people's  
4 constitutional rights and fundamental  
5 liberties?  
6 A. **I know that that is what they**  
7 **try to do.**  
8 Q. Okay. Do you know them to be  
9 a serious organization?  
10 MR. BROWN: Objection.  
11 BY MR. COHN:  
12 Q. You can answer.  
13 A. **In my personal opinion, or**  
14 **whose opinion?**  
15 Q. Your opinion.  
16 A. **Serious, I guess the**  
17 **definition. How do you define serious?**  
18 Q. If they give you something and  
19 they purport to tell you what the  
20 constitutional law is, is it something that  
21 you would look at seriously if it's coming  
22 from the ACLU?  
23 A. **No differently than any other**  
24 **legal matter, legal source.**

1 Q. Have you ever looked at his  
2 Web site?  
3 A. **No.**  
4 Q. Ever looked at his bio?  
5 A. **No.**  
6 Q. That's been previously marked.  
7 This is Exhibit 112, which has been  
8 previously marked. Let's take it out of  
9 your file here. I take it you've seen this  
10 letter before; correct?  
11 A. **Yes.**  
12 Q. It was provided to you around  
13 the time that it was received by Mr. Heim;  
14 is that correct?  
15 A. **I don't recall exactly when.**  
16 Q. How did it come to your  
17 attention?  
18 A. **I don't recall if it was an**  
19 **e-mail or something at the board meeting or**  
20 **something -- I don't recall, I'm sorry.**  
21 Q. Did you, when you received  
22 this, have any discussions with Mr. Mains  
23 about it outside of the board meeting?  
24 A. **I think he told me that the**

1 **letter was received.**

2 **Q.** Did you know about it  
3 before --

4 **A. I don't know because I believe**  
5 **Mr. Campbell sent something to the school**  
6 **districts that also reference that, but I**  
7 **don't remember the timeline.**

8 **Q.** Well, let's go back to our  
9 handy-dandy timeline here.

10 - - -

11 (Whereupon the document was  
12 marked, for identification purposes,  
13 as Exhibit Number P-222.)

14 - - -

15 MR. COHN: This is 222, P-222,  
16 which I don't think has previously  
17 been marked.

18 MR. BROWN: Thank you.

19 (Discussion held off the  
20 record.)

21 BY MR. COHN:

22 **Q.** P-222, ma'am, is an e-mail  
23 from Mr. Campbell to Mr. Fairchild.

24 **A. Uh-huh.**

1 **Q.** Subject: ACLU arrives with a  
2 message for PSBA, forwarded from Mr.  
3 Fairchild to you, forwarded from you to Mr.  
4 Mains --

5 **A. Uh-huh.**

6 **Q.** -- and forwarded from Mr.  
7 Mains to Mr. Levin, Mr. Heim, Mr. Dade, Ms.  
8 Leader, Ms. Fitz-Patrick.

9 **A. Okay.**

10 **Q.** Does this refresh your  
11 recollection as to the first time you saw  
12 the ACLU letter?

13 **A. Yes, sir. It would have been**  
14 **here.**

15 **Q.** You would have clicked on Mr.  
16 Campbell's link and looked at the letter?

17 **A. Correct.**

18 **Q.** And you recall doing that now?  
19 This refreshes your recollection?

20 **A. I don't remember specifically,**  
21 **but that's my -- to the best of my**  
22 **knowledge.**

23 **Q.** Okay. And did you read this  
24 e-mail from Mr. Campbell carefully?

1 **A. I can't say that I read it**  
2 **carefully. I read it.**

3 **Q.** Did you read the part where it  
4 says, "Neutrality does not work"?

5 **A. I'd have to refresh my memory**  
6 **to see.**

7 (Reviewing document.)

8 Yes, I do remember that.

9 BY MR. COHN:

10 **Q.** Did you have any discussion  
11 within the school district about whether or  
12 not Lewisburg should take a position with  
13 respect to the lawsuit, and with respect to  
14 the resolution that Mr. Campbell was asking  
15 be passed?

16 MR. BROWN: And again, I'll  
17 instruct you not to discuss what you  
18 discussed with counsel for the school  
19 district.

20 THE WITNESS: Yeah, that would  
21 have been discussed with our  
22 solicitor.

23 BY MR. COHN:

24 **Q.** Well, let's back up. Did you

1 have conversations with your solicitor about  
2 that issue?

3 **A. I did not directly have a**  
4 **conversation with my solicitor. But I -- I**  
5 **would share the information that I think was**  
6 **on a -- possibly on an e-mail.**

7 **Q.** Are you saying you forwarded  
8 information to Mr. Fanelli?

9 **A. No. I said that -- I did not**  
10 **say that.**

11 **Q.** I don't understand your answer  
12 then. Let's take this a step at a time.  
13 Was there ever any discussion at any meeting  
14 of any school board directors of Lewisburg  
15 Area School District --

16 **A. No, there was not.**

17 **Q.** Let me finish -- let me finish  
18 the question.

19 **A. Correct. Sorry.**

20 **Q.** I've got to finish the  
21 question or I don't --

22 **A. Right. That's my mistake.**

23 **Q.** -- have a record of my  
24 question.

1 A. I understand. I apologize.

2 Q. -- concerning whether or not  
3 Lewisburg Area School District should take a  
4 public position with respect to the lawsuit  
5 by PSBA against Mr. Campbell and PFUR?

6 A. No, there was not.

7 Q. Was there ever any discussion  
8 between you and the superintendent, or any  
9 of the other staff of PSBA, outside of the  
10 hearing or participation of Mr. Fanelli,  
11 about whether or not Lewisburg should take a  
12 position with regard to the lawsuit?

13 A. I believe that -- I'm trying  
14 to remember the exact -- who was there. So  
15 give me a second to just conjure that up.

16 No, I think there was an  
17 e-mail with Mr. Fanelli that I was copied  
18 on.

19 Q. An e-mail from Mr. Fairchild,  
20 or --

21 A. Yes.

22 Q. -- to Mr. Fanelli?

23 A. Correct.

24 Q. Transmitting this e-mail and

1 MR. BROWN: This is --

2 THE WITNESS: Sorry.

3 MR. BROWN: Once again, just  
4 you can't discuss what was discussed  
5 with Mr. Fanelli.

6 THE WITNESS: Correct.

7 MR. BROWN: Otherwise, go  
8 ahead.

9 THE WITNESS: Yes. So, could  
10 you restate your question? I'm  
11 sorry.

12 BY MR. COHN:

13 Q. Well, aside from any  
14 conversations with Mr. Fanelli, or involving  
15 Mr. Fanelli, has there ever been any  
16 discussion at the school district, your home  
17 school district, about whether you, as a  
18 governing board director, should continue to  
19 approve of the continuation of the lawsuit  
20 against Mr. Campbell and PFUR?

21 A. No, there has not been.

22 Q. And there has been no  
23 discussion, am I correct, within the  
24 Lewisburg School District as to whether or

1 perhaps having some additional words in  
2 there that you're not going to tell me  
3 about; correct?

4 A. Correct.

5 Q. Okay.

6 THE WITNESS: Was I allowed to  
7 say that? Okay.

8 MR. BROWN: That's fine.

9 THE WITNESS: All right.

10 BY MR. COHN:

11 Q. And other than that, you're  
12 unaware of any discussion or consultation  
13 with Mr. Fanelli by anybody associated with  
14 Lewisburg about Mr. Campbell's demand that  
15 Lewisburg pass a resolution?

16 A. I'm not aware. It doesn't  
17 mean it didn't occur.

18 Q. And you're not aware of any  
19 discussion within the Lewisburg School  
20 District about whether or not you should  
21 continue to authorize the school -- the  
22 lawsuit as a governing board director;  
23 correct?

24 A. My -- my --

1 not Lewisburg School District should  
2 terminate its membership in the PSBA in  
3 order to remove you as a director of PSBA;  
4 correct?

5 A. That is correct.

6 Q. Am I correct that you have no  
7 current intention of raising either of those  
8 issues with the Lewisburg School District in  
9 your capacity as the president of the school  
10 board; is that correct?

11 MR. BROWN: Objection. You  
12 can answer.

13 THE WITNESS: Okay. My role  
14 on the PSBA Board has nothing to do  
15 with my role on my local board.

16 BY MR. COHN:

17 Q. That's your position, or  
18 that's what you've been taught by Mr. Levin  
19 and his training?

20 MR. BROWN: Objection.

21 BY MR. COHN:

22 Q. Or is that both?

23 A. No, that's my own opinion.

24 I'm the one that raised that issue

1 **initially.**

2 Q. Okay. So I just want to be  
3 clear here. You are familiar with the  
4 bylaws?

5 A. **I am.**

6 Q. The PSBA bylaws. And you are  
7 not a member of PSBA. You are a derivative  
8 member of PSBA; correct?

9 A. **That's correct.**

10 Q. And you are only a derivative  
11 member because the school district of which  
12 you are the President of the Board elects to  
13 be a member of the school -- of the PSBA;  
14 correct?

15 A. **That is correct.**

16 Q. Okay. And at any point in  
17 time they could cause your removal from the  
18 governing board of PSBA by terminating their  
19 membership in PSBA; correct?

20 A. **That is incorrect.**

21 Q. That is incorrect. What is  
22 your basis for saying that?

23 A. **The bylaws.**

24 Q. Well, let's get the bylaws

1 A. **Number A --**

2 Q. Right.

3 A. **Whereas it says that -- I'll  
4 pick up in the middle of the sentence.**

5 Q. Well, I don't think it's  
6 correct to start in the middle.

7 A. **All right. I shall begin at  
8 the beginning.**

9 **"Any individual member under  
10 Article 1, Section 2, Subsections A and B is  
11 eligible to hold an office or other elected  
12 position in the association so long as  
13 membership status continues, provided,  
14 however, that a person who was a member when  
15 elected president, who stood to assume the  
16 presidency by virtue of having been elected  
17 president-elect in accordance with this  
18 article, and has served as president-elect,  
19 shall be entitled to serve the full term of  
20 president regardless of the fact that such  
21 person may cease to be a member of the board  
22 of the entity from which the individual  
23 membership derived." And then that has  
24 continued on to the immediate past president**

1 out, as we did with Mr. Knade. And you can  
2 show me where in the bylaws there is an  
3 exception to your disappearing from the  
4 governing board upon the resignation of your  
5 home district as a member.

6 You show me where, as the  
7 immediate past president, you can still be  
8 on the board if your home district is not a  
9 member. This is P-98. So let's take a look  
10 at this.

11 - - -

12 (Whereupon the document was  
13 marked, for identification purposes,  
14 as Exhibit Number P-98.)

15 - - -

16 MR. BROWN: I've got it.

17 Thank you.

18 BY MR. COHN:

19 Q. Let's take a look at the  
20 governing board. Let's take a look at  
21 Section 4.

22 A. **I would take you to page  
23 number 6, section 3 --**

24 Q. Right.

1 **as well.**

2 Q. Okay. And I see where your  
3 status as a derivative member of a voting  
4 member ceasing does not cause your removal.  
5 But I'm asking that Mr. Knade, as the  
6 30(b)(6) designee of PSBA, could not show me  
7 where in the bylaws it provides that even if  
8 your member entity from which you previously  
9 derive that status resigns, you get to stay  
10 on the board.

11 Can you show me where that  
12 provides it? I read this as being precisely  
13 the opposite, and Mr. Knade could not show  
14 me where I was wrong.

15 A. **I'm sorry. Oh, you mean if  
16 the -- I'm sorry, I don't think I understand  
17 your question.**

18 Q. As I understand what you just  
19 read, the fact that you may no longer be the  
20 -- you resigned from the Lewisburg School  
21 board, but you could still continue to be  
22 the immediate past president. That's what I  
23 understand what you just read to me. Okay.  
24 And I understand that. But what I don't

1 understand is how, when the membership  
2 member, the entity voting member, resigns  
3 you can still be the -- on the board as a  
4 past president, when, even though you've  
5 left the board of Lewisburg, Lewisburg has  
6 ceased to be a member.

7 **A. I believe that those of us who**  
8 **are past presidents are members of the Past**  
9 **President Honor Society, or whatever. So**  
10 **it's listed under that, I believe. I could**  
11 **try to find that for you. It's just special**  
12 **because of that.**

13 **Q.** I understand. But when we  
14 look at 4A, "A vacancy shall occur on the  
15 governing board when (2) the entity  
16 represented by the members ceases to be a  
17 member of the association." I understand  
18 how you can have derivative status, and then  
19 not be a derivative member because you  
20 ceased to be a director. But what I don't  
21 understand, or what I don't see in these  
22 bylaws is how, if Lewisburg chooses to quit,  
23 you do not evaporate from the governing  
24 board because there's no longer an entity

150

1 member from -- with which you have or had  
2 any association.

3 **A. Well, it goes to the same item**  
4 **because if I was no longer a member of my**  
5 **board, I would still be on there.**

6 **Q.** Yes.

7 **A. So, since I don't represent**  
8 **Lewisburg on there, it doesn't matter.**

9 **Q.** So that's -- you think you  
10 have an exception that applies only to you  
11 and to none of the other voting governing  
12 board members if they're -- Let me back up  
13 here.

14 So anybody that's not a past  
15 president, you agree if their school board  
16 quits, they vanish from the governing board  
17 as a matter of course?

18 **A. No. I think once you're**  
19 **elected president-elect, you go through the**  
20 **three seats, regardless. That was my**  
21 **understanding.**

22 **Q.** Even if your entity member  
23 quits?

24 **A. That has been my**

1 **understanding.**

2 **Q.** All right. Well, I don't want  
3 to argue with you because I already have  
4 contrary testi -- contrary binding testimony  
5 from your organization.

6 **A. My understanding is what I'm**  
7 **giving you.**

8 **Q.** Okay. And my understanding,  
9 and the understanding testified to by the  
10 PSBA is that if your home district quits, it  
11 takes you off of the governing board.

12 Now, with that understanding,  
13 would that be -- now that you know that that  
14 is the concession that PSBA has already  
15 made, have you had any discussions with --  
16 you've had no discussions with the board,  
17 with your school board about the potential  
18 implications of your continued service on  
19 the governing board, right?

20 **A. No.**

21 **Q.** Then if the school board can  
22 vote you out of existence as a director of  
23 the governing board by quitting its  
24 membership, you're still -- it is still your

152

1 position that in no circumstance can the  
2 school board have any responsibility for  
3 anything that you do as a governing board  
4 member; correct?

5 **A. That is correct.**

6 **Q.** So if you decided that you  
7 wanted to vote, along with a bunch of other  
8 people, to reconstitute the PSBA as a white  
9 supremacist organization and to discriminate  
10 against black people, then you could do that  
11 without any -- without any repercussions to  
12 your home school district; correct? That's  
13 your testimony?

14 **MR. BROWN:** Objection.

15 **THE WITNESS:** I'm not going to  
16 comment on things that are crazy.

17 **BY MR. COHN:**

18 **Q.** Is violating people's  
19 constitutional rights crazy?

20 **A. I don't believe we've done**  
21 **that.**

22 **Q.** And if you're wrong, is  
23 violating somebody's constitutional rights  
24 what you would consider to be crazy?



1 **A. That would be conjecture on my**  
2 **part.**

3 MR. BROWN: Objection.

4 BY MR. COHN:

5 **Q.** But you think it's absolutely  
6 obvious that being a white supremacist  
7 organization and banning black people would  
8 be unconstitutional; right?

9 **A. Certainly.**

10 **Q.** Okay. And if you did  
11 something like that, it wouldn't surprise  
12 you if there were repercussions, legal  
13 repercussions, for your home board, would  
14 it?

15 MR. BROWN: Objection. Go  
16 ahead, you can answer.

17 THE WITNESS: I -- I'm not  
18 sure that there would be legal  
19 repercussions. I don't know enough  
20 about the law to ascertain that.

21 BY MR. COHN:

22 **Q.** Are you familiar with the  
23 concept of ratifying somebody's actions?

24 **A. Yes.**

1 **Q.** Have you ever discussed with  
2 anybody within the Lewisburg School District  
3 whether or not they might have consequences  
4 for ratifying your action as a school board  
5 -- I'm sorry, as a PSBA director?

6 MR. BROWN: Again, I'll  
7 instruct you not to answer what  
8 discussions you might have had with  
9 the solicitor.

10 THE WITNESS: Yeah. That's  
11 what I was going to say, I can't  
12 answer that.

13 BY MR. COHN:

14 **Q.** At what point in time did you  
15 ever have any consultation with your school  
16 solicitor regarding that subject matter?

17 **A. I didn't say that I did.**

18 **Q.** Well, have you not -- There's  
19 no privilege in not having a conversation.  
20 If you have not had that conversation on  
21 that subject matter with your school  
22 solicitor, will you please confirm that you  
23 have not?

24 **A. Similar subject matter, that**

1 **would certainly lead me to believe that what**  
2 **he discussed with me regarding what you're**  
3 **saying is that --**

4 MR. BROWN: Don't discuss what  
5 he might have told you.

6 THE WITNESS: Oh, thank you.

7 Sorry.

8 BY MR. COHN:

9 **Q.** At what point in time did you  
10 have a similar discussion with Mr. Fanelli,  
11 this year?

12 **A. I don't recall exactly. It**  
13 **was some time in the last -- probably --**  
14 **probably in the last six months.**

15 **Q.** How about in the last three  
16 weeks?

17 **A. No, sir.**

18 MR. COHN: What are we up to  
19 here?

20 (Discussion held off the  
21 record.)

22 - - -

23 (Whereupon the document was  
24 marked, for identification purposes,

1 as Exhibit Number P-237.)

2 - - -

3 BY MR. COHN:

4 **Q.** Again, have you ever seen this  
5 e-mail before? November 4, 2017 e-mail from  
6 Mr. Campbell to Mr. Fairchild. Subject:  
7 Bailing out on PSBA (ACLU are coming)?

8 **A. Yes, I believe I have.**

9 **Q.** Another one that you scanned  
10 and did not read, or something that you  
11 actually read thoroughly?

12 **A. No, I just scanned it.**

13 **Q.** Now, you see on the second  
14 page there's a reference to paragraph 48 of  
15 the July 17, '17 SLAPP suit. Then he  
16 quotes. He said, accordingly, it was  
17 clearly Campbell's intent and purpose to  
18 cause PSBA's 600 plus member entities  
19 considerable cost and inconvenience in  
20 responding to the requests, including  
21 requesting separately the exact -- same  
22 exact financial record and legal agreements  
23 from PSBA, just for the sole purpose of  
24 harassing PSBA and its members, while

1 perverting the process under the  
2 Right-to-Know Law. You see that?  
3 **A. Yes.**  
4 **Q.** And that's something that you  
5 read in the Complaint as well; right?

6 **A. Correct.**

7 **Q.** And that's one of the bases  
8 for which you approved PSBA's lawsuit  
9 against my clients; correct? Yes?

10 **A. I'm -- I'm rereading it to**  
11 **make sure that I'm speaking correctly.**  
12 **Yes.**

13 **Q.** So PSBA -- part of the reason  
14 PSBA sued my clients was because Mr.  
15 Campbell's and PFUR's requests to your  
16 school district members were inconveniencing  
17 the school districts and causing them  
18 expense and disruption; correct?

19 MR. BROWN: Objection. Go  
20 ahead. You can answer, if you can.

21 THE WITNESS: Yes.

22 BY MR. COHN:

23 **Q.** Did you hear from any of  
24 PSBA's members telling you that they

1 **A. Yes, sir.**

2 **Q.** Approximately how many people  
3 came up to you and gave you positive verbal  
4 reinforcement?

5 **A. I do not recall exactly.**

6 **Q.** More than 10?

7 **A. No, probably in that zone.**

8 **Q.** You didn't click on any of the  
9 links in this e-mail?

10 **A. I didn't say I didn't click on**  
11 **any. I would have to look and see if I**  
12 **recall. Let me just check here.**

13 **A. I believe I clicked on the**  
14 **financial -- PSBA financial statements.**  
15 **That was all I remember.**

16 **Q.** Okay. Then you see, on the  
17 last page of the e-mail, it's signed, Simon  
18 Campbell. Do you see it says, "We will all  
19 get along fine." It's right there. That  
20 paragraph there.

21 **A. Uh-huh.**

22 **Q.** "We will all get along fine  
23 just as soon as the state actor SLAPP suit  
24 is withdrawn, my legal fees are refunded and

1 approved of the lawsuit?

2 **A. That they what?**

3 **Q.** That they approved of the  
4 lawsuit against my clients?

5 **A. There were some verbal**  
6 **comments to that effect, yes.**

7 **Q.** Who told you they approved?

8 **A. I don't remember exactly. I**  
9 **just remember a number of people just being**  
10 **glad that we -- saying, you know, glad**  
11 **you're pursuing that.**

12 **Q.** And that reinforced your  
13 belief that you had done the right thing in  
14 authorizing the lawsuit against my clients;  
15 correct?

16 **A. That is correct.**

17 **Q.** And around what time were you  
18 told that people were pleased that you were  
19 -- that the PSBA was suing my clients?

20 **A. At the leadership conference.**

21 **Q.** That was in Hershey in -- in  
22 October --

23 **A. Yes, sir.**

24 **Q.** -- of 2017?

1 Nathan Mains issues a public apology."

2 **A. I see that.**

3 **Q.** And do you remember reading  
4 that at the time?

5 **A. Yes.**

6 **Q.** So you were aware that this  
7 law -- the underlying lawsuit could have  
8 been resolved for its dismissal, an apology  
9 for Mr. Mains, and paying Mr. Campbell's  
10 legal fees up to that point in time?

11 **A. Absolutely.**

12 MR. BROWN: Objection. Go  
13 ahead.

14 THE WITNESS: Yes, I do  
15 recall.

16 BY MR. COHN:

17 **Q.** And that's Saturday, November  
18 4th.

19 Now, attached to that is  
20 another blast e-mail --

21 **A. I'm sorry for interrupting**  
22 **you, but I wanted to clarify. I would not**  
23 **have seen it on that date.**

24 **Q.** Okay. It probably would have

1 been sent to you the following Monday by Mr.  
2 Fairchild, that would stand to reckon?

3 **A. Within those days when he**  
4 **returned, yeah.**

5 **Q.** Okay. And then attached to  
6 this e-mail is a third blast e-mail from Mr.  
7 Mains, dated November 2nd. Take a moment  
8 and read that e-mail.

9 **A. (Complying with request.)**  
10 **I've read it.**

11 **Q.** Have you seen that e-mail  
12 before?

13 **A. Yes, I have.**

14 **Q.** Did you discuss it with  
15 anybody at PSBA before it was sent out?

16 **A. No, sir.**

17 **Q.** Did you discuss with Mr. Mains  
18 why he sent this e-mail?

19 **A. No, I did not.**

20 **Q.** Did you have any discussion  
21 with anybody within PSBA about this e-mail?

22 **A. Not that I can recall.**

23 **Q.** So it came to you as part of  
24 the blast e-mail when you read it?

1 **A. Yes.**

2 **Q.** Do you have any idea why Mr.  
3 Mains would have to -- would feel a need to  
4 reassure PSBA's entity members that they  
5 wouldn't be retaliated against by PSBA if  
6 they passed the resolution objecting to the  
7 lawsuit?

8 **A. I didn't see that.**

9 MR. BROWN: Objection. But go  
10 ahead, you can answer.

11 THE WITNESS: I didn't see  
12 where it said retaliation.

13 BY MR. COHN:

14 **Q.** Well, why would he write,  
15 "There is no need for concern about  
16 adversely affecting your entity's  
17 relationship with PSBA or the ways PSBA will  
18 continue to support your dedication and hard  
19 work serving the educational needs of our  
20 Commonwealth school children," if there were  
21 not some reason for PSBA member boards to be  
22 concerned about retaliation?

23 MR. BROWN: Objection. Go  
24 ahead, you can answer.

1 THE WITNESS: I don't  
2 interpret it that way. I don't think  
3 that's what was intended by the  
4 letter, at least in my view.

5 My understanding is that --  
6 that Nathan was reassuring any boards  
7 that if -- because I believe, in Mr.  
8 Campbell's e-mail, there was  
9 something about, you know, I'll leave  
10 you alone if you'll do this. It was  
11 sort of a blackmail kind of thing.

12 And -- so in doing so, I think  
13 Nathan was saying, go ahead and do  
14 that if you feel that would be best  
15 for your district.

16 BY MR. COHN:

17 **Q.** So you consider petitioning  
18 governments to be blackmail. Is that what I  
19 understand you to have just said?

20 MR. BROWN: Objection.

21 THE WITNESS: No, I did not  
22 say that.

23 BY MR. COHN:

24 **Q.** So did you ever have any dis

1 -- Do you have any idea how many school  
2 districts have passed resolutions calling  
3 for the discontinuation of the lawsuit?

4 **A. Not exactly.**

5 **Q.** Do you have some idea of how  
6 many?

7 **A. A handful.**

8 **Q.** A handful? Do you consider 40  
9 a handful? Would it surprise you to know  
10 that 40, about seven and a half percent of  
11 your membership passed, at school -- at  
12 public school board meetings a resolution  
13 calling for the discontinuation of the  
14 lawsuit?

15 **A. Yeah. The -- I think that**  
16 **because Nathan gave them the go ahead that**  
17 **it was okay.**

18 **Q.** Do you know how many had  
19 actually passed those resolutions prior to  
20 November 2nd?

21 **A. A handful.**

22 **Q.** You think that these people  
23 needed Nathan's go ahead? That's very  
24 interesting. Why would you say that?

1 MR. BROWN: Objection.  
 2 THE WITNESS: My thoughts.  
 3 BY MR. COHN:  
 4 Q. What other coordination has  
 5 there been between the school boards and  
 6 PSBA about the lawsuit?  
 7 MR. BROWN: Objection.  
 8 BY MR. COHN:  
 9 Q. You can answer.  
 10 A. **I don't know what you mean by**  
 11 **coordination. Could you clarify?**  
 12 Q. Well, you just said that  
 13 Nathan Mains gave the go ahead. Doesn't  
 14 each individual school district have an  
 15 obligation to the students and voters of the  
 16 school district to act in the way -- in a  
 17 manner that's in the best interest of that  
 18 school district?  
 19 A. **Absolutely.**  
 20 Q. Did you ever have a  
 21 conversation with the solicitors for any of  
 22 the school districts that passed the  
 23 resolution?  
 24 A. **No, I did not.**

1 Q. You seem to be questioning  
 2 their bona fides in calling for its  
 3 discontinuation. Why don't you think that  
 4 some of them concluded that the lawsuit was  
 5 unfounded and unconstitutional?  
 6 MR. BROWN: Objection, but you  
 7 can answer.  
 8 THE WITNESS: Because some of  
 9 what I heard was that that wasn't  
 10 sincere. They were letting us know  
 11 that it wasn't sincere, but that they  
 12 were trying to appease Mr. Campbell.  
 13 BY MR. COHN:  
 14 Q. Who told you that?  
 15 A. **I had several board members**  
 16 **tell me that from different boards. I don't**  
 17 **remember exactly.**  
 18 Q. Which ones?  
 19 A. **I don't recall.**  
 20 Q. Clarion?  
 21 A. **No.**  
 22 Q. Butler?  
 23 A. **No, not them.**  
 24 Q. Mars?

1 A. **Mars.**  
 2 Q. Mars Area School District?  
 3 A. **I don't remember exactly which**  
 4 **ones.**  
 5 Q. Butler Vo-Tech?  
 6 A. **You can name all 40. I'm not**  
 7 **going to--**  
 8  
 9 Q. Somerset? We'll get the list.  
 10 We'll go through that after lunch, okay?  
 11 And you can tell me who told you that they  
 12 were being insincere.  
 13 A. **Actually, I can't answer that**  
 14 **because it was based on a conversation with**  
 15 **counsel.**  
 16 Q. So lawyers told you that they  
 17 had heard --  
 18 A. **I didn't say that.**  
 19 Q. I don't understand. Explain  
 20 to me how -- how what you just told me is  
 21 based upon a conversation with counsel?  
 22 A. **I'm saying that I had a**  
 23 **conversation with our counsel in which some**  
 24 **information to that effect was shared with**

1 **me.**  
 2 Q. So you're now retracting your  
 3 prior testimony as untrue, that people came  
 4 up to you and told you this themselves?  
 5 MR. BROWN: Objection.  
 6 THE WITNESS: No, I think I  
 7 said I heard that people had said  
 8 that.  
 9 BY MR. COHN:  
 10 Q. And you also said people came  
 11 up to you and told you. Then I asked you  
 12 who. And now you're telling me that you  
 13 heard this through a lawyer. So --  
 14 A. **Isn't that a person?**  
 15 Q. Yes, but that's a person, not  
 16 people, and it's inconsistent with your  
 17 prior testimony.  
 18 MR. BROWN: Objection. I  
 19 don't believe it's inconsistent.  
 20 BY MR. COHN:  
 21 Q. Who was the lawyer?  
 22 THE WITNESS: Do I need to  
 23 answer?  
 24 MR. BROWN: You can tell him

1 who the lawyer was.  
 2 THE WITNESS: Mr. Fanelli.  
 3 BY MR. COHN:  
 4 Q. And where did you -- Where  
 5 were you when you were speaking with Mr.  
 6 Fanelli?

7 A. **I don't recall.**

8 Q. What legal advice were you  
 9 asking him for at the time?

10 MR. BROWN: Objection. She  
 11 does not have to tell you what legal  
 12 advice she was asking for.

13 BY MR. COHN:

14 Q. Were you asking him for legal  
 15 advice, or were you having a conversation  
 16 with him?

17 A. **A conversation that included  
 18 my understanding of the legal situation.**

19 Q. Which legal situation? The  
 20 legal situation with the PSBA?

21 MR. BROWN: I object. She's  
 22 covered that this is a discussion  
 23 that involved --

24 MR. COHN: No, no, no.

1 Q. Where was this conversation  
 2 held?

3 A. **I don't recall.**

4 Q. Was it in person, was it on  
 5 the telephone?

6 A. **I don't recall. I'm sorry.**

7 Q. Okay.

8 A. **I just remember my impressions  
 9 of what he had said.**

10 Q. Okay. And were you  
 11 together -- Was this at the PSBA conference?

12 A. **I don't recall.**

13 Q. Did you see him at the PSBA  
 14 conference?

15 A. **I don't recall if I saw him  
 16 there or not.**

17 Q. How often do you see Mr.  
 18 Fanelli?

19 A. **Fairly often because sometimes  
 20 he's on FaceTime, that kind of thing.**

21 Q. On FaceTime for what? Just to  
 22 talk with him?

23 A. **No. For school, our school  
 24 district interactions.**

1 MR. BROWN: Yes.  
 2 MR. COHN: If I have a  
 3 conversation with you about the  
 4 Mueller investigation, it sure as  
 5 heck is not privileged. If she has a  
 6 conversation with Mr. Fanelli, who  
 7 has no representation on the PSBA,  
 8 there is no attorney/client  
 9 privilege, if she's speaking with him  
 10 as a PSBA person.

11 And if she's speaking with him  
 12 as a Lewisburg person, then it has  
 13 nothing to do with the -- you know,  
 14 that representation.

15 If it has to do with her PSBA,  
 16 there's a waiver. Okay? And there's  
 17 no attorney/client privilege because  
 18 that's a guy, he's not a lawyer.

19 BY MR. COHN:

20 Q. Now, let's make the foundation  
 21 here. When did you speak to Mr. Fanelli  
 22 about the conversation that we are talking  
 23 about right now?

24 A. **I don't recall.**

1 Q. Okay. Mr. Fanelli was sharing  
 2 with you -- you're aware that some of Mr.  
 3 Fanelli's own school boards passed  
 4 resolutions; right?

5 MR. BROWN: Objection. Go  
 6 ahead.

7 THE WITNESS: Yeah, I can't  
 8 discuss that.

9 BY MR. COHN:

10 Q. You're aware, are you not,  
 11 that some of his own school boards, that he  
 12 is also school solicitor for, passed the  
 13 resolution that Mr. Campbell was lobbying  
 14 for; correct?

15 A. **I don't know that.**

16 Q. Did Mr. Fanelli tell you about  
 17 the deliberations within his own school  
 18 boards for which he -- for -- the school  
 19 boards that passed the resolution?

20 A. **No.**

21 Q. Are you sure?

22 A. **Yes.**

23 Q. If I put him under oath, he's  
 24 going to tell me that too?

1 A. Yes.

2 MR. BROWN: Objection.

3 THE WITNESS: I'm sorry.

4 BY MR. COHN:

5 Q. Where else would he know about  
6 these things? And what does this have to do  
7 with any legal advice to you?

8 MR. BROWN: Objection. How  
9 should she know what Mr. Fanelli  
10 knows?

11 BY MR. COHN:

12 Q. What legal advice were you  
13 seeking from him when he told you about the  
14 other school districts?

15 MR. BROWN: Objection. She  
16 doesn't have to discuss what legal  
17 advice she was seeking.

18 BY MR. COHN:

19 Q. What was the subject matter of  
20 your discussion with him when he chose to  
21 raise that with you?

22 A. **I'm trying to think how I can**  
23 **answer without revealing my conversations**  
24 **with him. I don't think I can.**

1 resolution condemning the lawsuit; correct?

2 A. **When you use the word**  
3 **"considered," what do you mean.**

4 Q. Discussed whether or not to  
5 pass a resolution?

6 A. **Then the answer would be --**  
7 MR. BROWN: And again, I'll  
8 instruct --

9 THE WITNESS: I don't know how  
10 to answer.

11 MR. BROWN: -- you not to  
12 answer if there were discussions with  
13 Mr. Fanelli about possibly the filing  
14 resolution.

15 THE WITNESS: That's what-- I  
16 can't answer then.

17 (Discussion held off the  
18 record.)

19 - - -

20 (Whereupon the document was  
21 marked, for identification purposes,  
22 as Exhibit Number 238.)

23 - - -

24 BY MR. COHN:

1 Q. You were speaking with him as  
2 a PSBA director about this issue; correct?

3 A. **No, I was not.**

4 Q. But you say that the school  
5 district never considered these issues;  
6 correct?

7 A. **The school board never**  
8 **considered those issues, no.**

9 Q. Well, who within the school  
10 district did?

11 A. **I'm sorry. I don't understand**  
12 **your question.**

13 Q. Are you saying that you, as a  
14 school district director, with your school  
15 district director hat on, considered with  
16 Mr. Fanelli Mr. Campbell's request that the  
17 school district pass a resolution condemning  
18 the lawsuit?

19 A. **I didn't say I considered it.**

20 Q. So nobody, as far as you know  
21 on the -- in the school district, on the  
22 board or in the -- in the management of the  
23 school district, if you will, the  
24 administration, considered passing the

1 Q. Have you seen this e-mail  
2 before, Ms. Swope?

3 A. **I believe I have.**

4 Q. Did you click on any of the  
5 links on this e-mail?

6 A. **I don't -- I don't recall**  
7 **clicking on any of them, but I may have.**

8 Q. Well, have you seen the  
9 preliminary objections brief that was filed  
10 in response to the original Complaint?

11 A. **If you could show me, I can**  
12 **tell you if I've seen it. I don't know**  
13 **things by title very well.**

14 Q. Sure. We'll get back to that  
15 in a second. Let's just go through here.

16 A. **Sure. So looking at the links**  
17 **here on the second page, the October 16th**  
18 **blast e-mail. We've looked at that, right.**

19 A. **Uh-huh.**

20 Q. And we've looked at the  
21 October 17 e-mail that I sent to Mr. Heim,  
22 the letter that Mr. Campbell refers to. We  
23 looked at that already, right?

24 A. **Uh-huh.**



1 Q. And we looked at the 11 -- the  
2 November 2nd letter back from Mr. Heim,  
3 claiming a common interest privilege with  
4 the school districts. You see that?

5 A. **Yes, I do.**

6 Q. And let's take a look at the  
7 Preliminary Objections, which are P-211.

8 - - -

9 (Whereupon the document was  
10 marked, for identification purposes,  
11 as Exhibit Number P-211.)

12 - - -

13 BY MR. COHN:

14 Q. These are the Preliminary  
15 Objections to the underlying Complaint that  
16 were filed in Cumberland County with the  
17 Prothonotary on November 9th, 2017.

18 I'm not asking you to read  
19 this all right now, but my question is: Did  
20 you -- have you seen this before, first of  
21 all?

22 A. **I believe so.**

23 Q. Did you get a copy of it  
24 around the time that it was filed?

1 away.

2 MR. COHN: Let's go off the  
3 record.

4 VIDEO TECHNICIAN: The time is  
5 now 12:03 p.m. We're off the video  
6 record.

7 (Whereupon there was a recess  
8 in the proceeding.)

9 VIDEO TECHNICIAN: The time is  
10 now 1:03 p.m. We're back on the  
11 video record. This begins media unit  
12 number three.

13 MR. COHN: P-239, which we'll  
14 probably get around to, is the Brief  
15 in Support of the Preliminary  
16 Objections to the Amended Complaint,  
17 for the record.

18 - - -

19 (Whereupon the document was  
20 marked, for identification purposes,  
21 as Exhibit Number P-240.)

22 - - -

23 BY MR. COHN:

24 Q. P-240 is a November 27, 2017

1 A. **I don't recall, if I saw it,  
2 when I saw it.**

3 Q. Did you read it when you  
4 received it?

5 A. **I don't remember reading this  
6 in its entirety.**

7 Q. Was this something that you  
8 would have been provided with prior to the  
9 straw vote that was taken in December to  
10 continue the lawsuit?

11 A. **I don't recall specifically if  
12 I saw this before that or not.**

13 Q. And, by the way, I have to  
14 retract. This is not the brief that was  
15 attached. These are the Preliminary  
16 Objections. We'll get the brief for you to  
17 look at too.

18 Did you actually read the  
19 brief that was provided?

20 A. **If you'd show it to me, I  
21 don't -- There's so many documents. I don't  
22 -- I can't -- I don't know them by title, as  
23 you do.**

24 Q. All right. You can put that

1 e-mail from Mr. Campbell to Mr. Fairchild,  
2 Re: Forwarding, encouraging you to  
3 reconsider your SLAPP suit. And it is a  
4 cover e-mail to Lewisburg from Mr. Campbell,  
5 forwarding a Sunday, November 26, 2017  
6 e-mail to the governing board directors of  
7 PSBA.

8 And my first question to you,  
9 did you receive the forwarded e-mail?

10 A. **Yes, I believe I did.**

11 Q. My second question to you is,  
12 did you receive a copy of the e-mail that  
13 was forwarded to Mr. Fairchild, who then, in  
14 turn, sent that to you?

15 A. **Yes, I believe I did.**

16 Q. And did you review Mr.  
17 Campbell's e-mails?

18 A. **As I look at this again, I  
19 think I probably scanned -- my recollection  
20 is, I scanned the first one. The second one  
21 -- I'm sorry, that I read the first one,  
22 scanned the second one. I said that  
23 backwards, didn't I?**

24 Q. Uh-huh. So, let's look at Mr.

1 Campbell's e-mails to the governing board.

2 **A. Okay.**

3 **Q.** By the way, did you discuss  
4 this e-mail with any of your co-governing  
5 board members outside of a formal meeting?

6 **A. No.**

7 **Q.** In the last year, did you have  
8 many conversations with anybody on the  
9 governing board outside of formal meetings?

10 **A. No, not a lot.**

11 **Q.** When you would, who would you  
12 typically speak with?

13 **A. Well, it depends. My vice  
14 president, to just give him advice on, you  
15 know, things he needed to know and as he --  
16 he does his role because it's his first  
17 year. He just started in December in that  
18 role.**

19 **Q.** Just to be clear, so Mr.  
20 Faccinetto, or Faccinetto, I guess it's  
21 pronounced --

22 **A. No, no, no. That would be  
23 Jordan Fetzer. You're talking about my  
24 local board, weren't you?**

1 **Q.** No, no, no, no.

2 **A. I'm sorry.**

3 **Q.** The governing board.

4 **A. Then I retract my answer, that  
5 was not correct. I thought you were talking  
6 about my local board.**

7 **Q.** I apologize, I'll try to be  
8 more specific. You do have those two hats.

9 **A. So would you ask your question  
10 again, please? I'm so sorry.**

11 **Q.** Yes. Did you, outside of  
12 meetings of the PSBA governing board, have  
13 occasion to speak to any of your  
14 co-governing board members?

15 **A. Rarely. In fact, I think I --  
16 I think that, if any, it would be Mike --  
17 Mike Faccinetto, because I'm the past  
18 president. He would consult with me,  
19 sometimes on, you know, the best practices,  
20 that kind of stuff.**

21 **Q.** Governance issues?

22 **A. Governance issues, yes.**

23 **Q.** Mr. Gentzel -- you know Mr.  
24 Gentzel, don't you?

1 **A. I do.**

2 **Q.** He used to be the head of PSBA  
3 before Mr. Mains, right?

4 **A. That is correct.**

5 **Q.** And now he's at NSBA?

6 **A. Yes.**

7 **Q.** Did you have any conversations  
8 with him about this lawsuit?

9 **A. No.**

10 **Q.** All right. So, this is -- Mr.  
11 Campbell is focusing on the e-mail that's to  
12 the 10 governing board voting members and  
13 also to the non-voting member, right? Or  
14 not? Is he there?

15 **A. It looks like it says, "Dear  
16 Ten."**

17 **Q.** There were 11 in attendance.

18 **A. Yeah.**

19 **Q.** So he would be the 11th. The  
20 11th is Carl, what's his last name? Knox?

21 **A. I don't remember.**

22 MR. CAMPBELL: Moore.

23 MR. COHN: Mall?

24 MR. CAMPBELL: Moore.

1 MR. COHN: Mawl?

2 MR. CAMPBELL: Moore,  
3 M-O-O-R-E.

4 MR. COHN: I can't understand  
5 your British --

6 THE WITNESS: Is that his last  
7 name?

8 MR. COHN: Carl Moore.

9 THE WITNESS: Oh, Moore. I  
10 thought you said Mall.

11 MR. COHN: Exactly.

12 THE WITNESS: Oh, You did too?  
13 Okay, I feel better.

14 THE WITNESS: Yes, Carl Moore

15 --

16 MR. COHN: Exactly.

17 THE WITNESS: That's correct.

18 BY MR. COHN:

19 **Q.** Exactly. All right. So he  
20 was a non-voting advisory member of the  
21 governing board?

22 **A. Yes, he's -- he is --**

23 **participates fully, except for voting.**

24 **Q.** He's like Puerto Rico. He

1 gets a voice, but not a vote?

2 **A. Correct.**

3 **Q.** Okay. All right. So he sends  
4 -- he writes to you in your individual  
5 capacity and in your capacity as elected  
6 government officials, again, asking that the  
7 SLAPP suit be withdrawn before a federal  
8 lawsuit is actually filed. Do you see that?

9 **A. Yes.**

10 **Q.** Did you not take seriously the  
11 Plaintiff's intention to file this lawsuit  
12 at that time?

13 **A. No, I took it seriously.**

14 **Q.** It says, you may be PSBA board  
15 directors, but you never cease acting under  
16 color of state law when making governing  
17 decisions as PSBA directors, because you are  
18 only PSBA directors as a derivative of being  
19 elected public officials in the Commonwealth  
20 of Pennsylvania. Did you read that at the  
21 time?

22 **A. Yes.**

23 **Q.** Did you contemplate that at  
24 the time?

1 **A. I did.**

2 **Q.** Did you seek legal advice  
3 about that issue at the time?

4 **A. No.**

5 **Q.** And he attaches, again, the  
6 letter from the ACLU, which we've discussed  
7 and you've previously read; correct?

8 **A. Correct.**

9 **Q.** Again, he attached the  
10 preliminary objections that, at some point  
11 in time, we may look at today.

12 (Discussion held off the  
13 record.)

14 - - -

15 (Whereupon the document was  
16 marked, for identification purposes,  
17 as Exhibit Number P-241.)

18 - - -

19 BY MR. COHN:

20 **Q.** P-241 is the brief in support  
21 of the preliminary objections that were  
22 filed in November, that miraculously is now  
23 printed on both sides of the paper, so we  
24 spared half a tree. And this is going --

1 I'm sorry to jump around in time, but this  
2 is going back --

3 **A. It's all right. I'll do my  
4 best to keep up with you.**

5 **Q.** Now, my question to you is:  
6 Do you recognize this as the brief in  
7 support of the defendant's preliminary  
8 objections to PSBA's initial Complaint?

9 **A. Yes.**

10 **Q.** And this was given to you at  
11 some point in time?

12 **A. Correct.**

13 **Q.** Do you remember at what point  
14 in time?

15 **A. No, I'm sorry. I do not.**

16 **Q.** As you read the November 26th  
17 e-mail that we're talking about right now,  
18 which is Exhibit P-240, there is a link to  
19 that brief. Do you remember whether or not  
20 you did or did not click on that link  
21 because you had already or had not already  
22 seen the brief?

23 **A. It might have been that is  
24 where I saw it, but I don't know for sure.**

1 **I may have already seen it.**

2 **Q.** And did you read the brief?

3 **A. Yes. I -- I will tell you  
4 that I scanned the brief. I did not read it  
5 word for word.**

6 **No, this one is the -- Hold  
7 on, hold on, hold on.**

8 **Q.** This is the November brief.

9 **A. Yes, this one I read word for  
10 word. I'm sorry.**

11 **Q.** Who did you discuss this brief  
12 with, other than Mr. Levin?

13 MR. BROWN: Or Mr. Heim.

14 THE WITNESS: Right. I didn't

15 -- at that -- at this point in time,  
16 I think that I -- I think I had a  
17 discussion with Nathan just  
18 acknowledging the brief and may  
19 have -- as I recall, I think I said  
20 something -- may have said something  
21 about, you know, that I didn't  
22 interpret these things the same way  
23 that they were interpreted in the  
24 brief.

1 BY MR. COHN:

2 Q. Did Mr. Mains ever express to  
3 you a personal animus towards Mr. Campbell?

4 A. **I wouldn't say personal  
5 animus, no.**

6 Q. How did Mr. Mains refer to Mr.  
7 Campbell when he spoke of him?

8 A. **Probably frustration, with  
9 some frustration.**

10 Q. All right. So, you read this  
11 word for word once when you got it? That's  
12 your testimony?

13 A. **Yes, sir.**

14 Q. And this was something that  
15 you considered in your future deliberations  
16 as to whether or not to discontinue the  
17 lawsuit; correct?

18 A. **That would be correct.**

19 Q. So, going back to Mr.  
20 Campbell's e-mail, which is P-240 --

21 A. **Yes.**

22 Q. By the way, have you ever met  
23 Mr. Heim?

24 A. **I don't know. I don't think**

190

1 **so.**

2 Q. You ever spoken with him?

3 A. **Yes.**

4 Q. You ever spoken with him prior  
5 to the commencement of this lawsuit that  
6 you're sitting here in?

7 A. **No.**

8 Q. I'm talking about the federal  
9 lawsuit.

10 A. **The whole Campbell issue is  
11 what you're talking about?**

12 Q. No, I'm trying to draw a  
13 distinction between any conversations you  
14 may have involved -- that involved Mr. Heim  
15 subsequent to February 28th of 2018, and any  
16 you may have had that involved him prior to  
17 that point in time.

18 A. **Oh, before the --**

19 Q. Before the federal lawsuit.  
20 There's a lawsuit where PSBA has sued my  
21 clients, and then there's this lawsuit --

22 A. **Right.**

23 Q. -- where we have sued PSBA and  
24 all of the governing board directors, save

1 for Mr. Moore?

2 A. **Correct. Before this was  
3 actually filed, I don't recall if he was on  
4 the phone when we were having our  
5 discussions in June or not.**

6 Q. Okay. Now, go to the next  
7 page of that e-mail. You see the little  
8 heading, "More PSBA Retaliation Equals More  
9 Liability"?

10 A. **Yes, I see that.**

11 Q. It says, "One of my attorneys,  
12 Jack Cohn, has cautioned PSBA's retained  
13 SLAPP lawyer, David Heim, that everything  
14 state actor PSBA says or does in retaliation  
15 for my protected constitutional speech is  
16 actionable in federal court." And you read  
17 that at the time; right?

18 A. **Yes.**

19 Q. And you factored that into  
20 your consideration of whether or not to  
21 continue the lawsuit?

22 A. **Yes.**

23 Q. And did you happen to click on  
24 the link in that paragraph about, ACLU's

192

1 past work in this area led to the city of  
2 Greensburg paying a \$98,000 settlement after  
3 that state actor got sued in federal court  
4 for First Amendment retaliation following an  
5 ill-conceived State Court lawsuit it had  
6 initiated?

7 A. **No, I did not.**

8 Q. But, to be clear, from July  
9 through to the beginning of December, Mr.  
10 Campbell was very clear in communicating  
11 with you about what would happen if PSBA did  
12 not discontinue this lawsuit; correct?

13 A. **Yes.**

14 Q. And he was very clear in  
15 giving several options for PSBA to  
16 discontinue the lawsuit without having to be  
17 sued in this lawsuit; correct?

18 MR. BROWN: Objection, but you  
19 can answer.

20 THE WITNESS: No, I can't  
21 answer because I don't know. When  
22 you say several, I'm not sure what  
23 you're referring to.

24 BY MR. COHN:

1 Q. He wrote and he said, drop the  
2 lawsuit and give me an apology, in October.  
3 You remember, we looked at that e-mail;  
4 right?

5 A. **Yes. It included money, too,**  
6 **I believe.**

7 Q. Then there was another -- We  
8 can go back and look at them.

9 A. **No, I trust you.**

10 Q. But the first one was, drop  
11 the lawsuit and apologize.

12 A. **Okay.**

13 Q. And then the second one was,  
14 drop the lawsuit and apologize, and pay me  
15 my legal fees so far.

16 A. **Uh-huh.**

17 Q. And you were aware of that;  
18 correct?

19 A. **Yes.**

20 Q. And you considered that in  
21 deciding to continue to support the lawsuit;  
22 correct?

23 A. **Correct.**

24 Q. And there were letters from me

1 reflects a lack of familiarity with case  
2 law." You see that in the --

3 A. **Yes, I do.**

4 Q. -- first full paragraph?

5 A. **I do.**

6 Q. And did you click on that  
7 link?

8 A. **No.**

9 Q. The link would have taken you  
10 to the November 2nd letter that we went over  
11 earlier, where Mr. Heim just said, "There's  
12 no basis for any conclusion that PSBA is a  
13 state actor. You remember looking at that?"

14 A. **Yes, I do.**

15 Q. Okay. Did you ever see  
16 anything where there was any basis provided  
17 to you for any -- any claim that PSBA was  
18 not a state actor, other than the position  
19 that Mr. Levin transmitted to me in  
20 December?

21 MR. BROWN: And I'll instruct  
22 you not to answer with regard to any  
23 discussions you had with Mike or  
24 David Heim or another attorney.

1 to your counsel; correct?

2 A. **Correct.**

3 Q. And there were letters from  
4 the ACLU to your counsel; correct?

5 A. **Correct.**

6 Q. And all of this was considered  
7 by you in deciding to continue the lawsuit;  
8 correct?

9 A. **That is correct.**

10 Q. And below here, below the --  
11 two bullets down, it says, "PSBA as state  
12 actor."

13 A. **Uh-huh.**

14 Q. And again, Mr. Campbell warns  
15 you that PSBA is a state actor; correct?

16 A. **He --**

17 MR. BROWN: Objection. You  
18 can answer.

19 THE WITNESS: He -- he makes  
20 that claim, but I don't agree with  
21 that, so...

22 BY MR. COHN:

23 Q. And he said -- Then he  
24 references you to, "Attorney Heim's opinion

1 THE WITNESS: Right. Could  
2 you ask the question again, please?

3 BY MR. COHN:

4 Q. No, we'll get there. We'll  
5 get to it in due -- I withdraw that  
6 question, but we'll get to it when we get to  
7 -- to Mr. Levin's e-mail to me.

8 And you saw that -- you see,  
9 he walks you through a First Amendment  
10 retaliation in this -- let -- in this  
11 e-mail. You see that?

12 A. **Yes.**

13 Q. And you read all of that?

14 A. **Yes. Not the click links, but**  
15 **I read the e-mail.**

16 Q. Okay.

17 A. **Again, this is the one I**  
18 **scanned. I had testified earlier that I**  
19 **scanned this.**

20 Q. And again, towards the end, he  
21 talks about the accusation in the Complaint  
22 that he committed two criminal acts. Do you  
23 see that at the bottom of the following  
24 page, number three?

1 **A. Following page. Yes, I see**  
2 **that.**

3 **Q.** Did you do any investigation  
4 or inquiry as to the basis for PSBA to  
5 accuse Mr. Campbell of being a criminal?

6 **MR. BROWN:** I encourage you  
7 not to answer as far as your  
8 discussions with counsel on that  
9 topic.

10 **THE WITNESS:** Yes, I can't  
11 answer you because that was included  
12 in their discussion.

13 **BY MR. COHN:**

14 **Q.** Do you think it's a serious  
15 thing to accuse somebody of being a  
16 criminal?

17 **MR. BROWN:** Objection to the  
18 form, but you can answer.

19 **THE WITNESS:** Okay.

20 To -- to accuse someone of  
21 being a criminal, I think that that  
22 would be serious.

23 **BY MR. COHN:**

24 **Q.** You agree with me that it's

1 that Mr. Campbell bcc'd Ms. Leader on, that  
2 is the supposed basis for the charge that  
3 he's a criminal stalker?

4 **A. No.**

5 **Q.** Do you know that that was also  
6 copied to Mr. Mains?

7 **A. No.**

8 **Q.** Do you know whether or not Mr.  
9 Mains did any investigation of the alleged  
10 stalker e-mail?

11 **A. I would --**

12 **MR. BROWN:** Objection.

13 **THE WITNESS:** -- have no way  
14 to know.

15 **BY MR. COHN:**

16 **Q.** Is it fair to say that this  
17 e-mail to the 10 governing board directors  
18 of November 26, Exhibit P-240, was the road  
19 map of the lawsuit that was filed against  
20 you and the other nine directors at PSBA in  
21 federal court?

22 **MR. BROWN:** Objection to the  
23 form.

24 **THE WITNESS:** Yeah, I was

1 wrong to falsely accuse somebody of being a  
2 criminal; correct?

3 **A. It's always wrong to falsely**  
4 **accuse.**

5 **Q.** Okay.

6 **A. But -- go ahead.**

7 **Q.** And if somebody knows that  
8 there's been a false accusation that that  
9 person has made, you think it would be  
10 important for that person to correct that  
11 false accusation; correct?

12 **A. If there is information that**  
13 **an accusation is false, and they believe**  
14 **that to be accurate, then yes, it should be**  
15 **corrected.**

16 **Q.** And you think somebody, before  
17 they make such an accusation, should take  
18 care to investigate whether or not there's  
19 truth to that accusation; correct?

20 **A. I think the -- I think that if**  
21 **you have evidence to suggest that there is**  
22 **-- that accusations are made based on the**  
23 **evidence that is before the individual.**

24 **Q.** Did you ever see the e-mail

1 going to say, I have no -- no way to  
2 determine whether something is a road  
3 map. I don't know.

4 **BY MR. COHN:**

5 **Q.** Did you read the Complaint  
6 that was filed against you?

7 **A. Yes.**

8 **Q.** Did you read all of it, or you  
9 just scanned it?

10 **A. No, that one I read.**

11 **Q.** Comparing that to this e-mail,  
12 do you see similarities?

13 **A. Yes, I see repetition of the**  
14 **allegations.**

15 **Q.** Do you see he pretty much sued  
16 you for exactly what he told you he was  
17 going to sue you for; didn't he?

18 **A. Yes.**

19 **Q.** So November 30th, 2017, I have  
20 an e-mail that we're going to mark as  
21 Exhibit P --

22 **MR. COHN:** P-242, right?

23 (Discussion held off the  
24 record.)



1 - - -

2 (Whereupon the document was  
3 marked, for identification purposes,  
4 as Exhibit Number P-242.)

5 - - -

6 MR. COHN: The last one was  
7 P-241. This is P-242. Here's one  
8 for you, here's one for me. You can  
9 take this one for now.

10 BY MR. COHN:

11 Q. By the way, at lunch, did you  
12 have lunch with your counsel?

13 A. **I did.**

14 Q. Did you discuss the subject  
15 matter of this testimony, your testimony  
16 here today?

17 A. **No, more my -- Not the subject  
18 matter, but my demeanor.**

19 MR. BROWN: Don't discuss what  
20 we discussed.

21 THE WITNESS: Oh, I don't have  
22 to discuss -- I always do that.

23 BY MR. COHN:

24 Q. Just to be clear, it is

1 Anybody that would have asked for this.

2 A. **That would have asked for  
3 what? I'm sorry.**

4 Q. For -- for the Nathan Mains  
5 October 16 blast e-mail with the live link.

6 A. **If it -- If it was requested  
7 under Right-to-Know, yes.**

8 - - -

9 (Whereupon the document was  
10 marked, for identification purposes,  
11 as Exhibit Number P-243.)

12 - - -

13 BY MR. COHN:

14 Q. All right. 243 is a December  
15 5, 2017 e-mail from Mr. Campbell to Mr.  
16 Fairchild. Subject: SLAPPer --

17 MR. COHN: And, for the  
18 record, Brigitte, SLAPP is S-L-A-P-P,  
19 all caps, and then a small E-R.

20 BY MR. COHN:

21 Q. PSBA's latest RTKL chaos.

22 And again, my question is,  
23 first, whether or not you have seen this  
24 e-mail before.

1 inappropriate to discuss somebody's  
2 testimony, other than having -- things  
3 having to do with privilege while that  
4 witness is under cross-examination, either  
5 at trial or during a deposition.

6 MR. BROWN: I'm aware.

7 BY MR. COHN:

8 Q. All right. So, here's another  
9 e-mail from Mr. Campbell. And he's sending  
10 another Right-to-Know Law request. Do you  
11 see that?

12 A. **Yes, I do.**

13 Q. And do you see what he's  
14 asking for?

15 A. **Yes.**

16 Q. Do you know whether or not  
17 your school district provided this  
18 information?

19 A. **Yes, we did.**

20 Q. In fact, you gave notice to  
21 PSBA that this was being provided; correct?

22 A. **That's correct.**

23 Q. And you would have -- and this  
24 would have been given to anybody; correct?

1 A. **Let me read it a moment,  
2 please.**

3 **(Reading document.)**

4 **Yes, I did see this.**

5 Q. How did it come to you? Did  
6 Mr. Fairchild forward that to you?

7 A. **Yes.**

8 Q. And again, Mr. Campbell is  
9 warning that there is a federal lawsuit  
10 coming; correct?

11 A. **Correct.**

12 Q. And at this point he is  
13 pointing out that PSBA has claimed a common  
14 interest privilege with its PSBA school  
15 district members; correct?

16 A. **Correct.**

17 Q. Did you ever discuss this  
18 issue with Mr. Mains?

19 A. **No.**

20 Q. Do we have an understanding of  
21 what a common interest is?

22 A. **Not really.**

23 Q. Did you ever read Mr. -- I'm  
24 sorry. Did you ever click and view the one,

1 two, three video?

2 **A. Can you tell me more about**  
3 **what it was -- what it looked like once I**  
4 **clicked?**

5 **Q.** Sure. It was a video where  
6 Mr. Campbell, as he's wont to do, appears in  
7 a video that he makes of himself explaining  
8 how the federal lawsuit is going to work,  
9 and explaining the elements that he's going  
10 to have to make out, and explaining what  
11 First Amendment retaliation is.

12 **A. No, I did not click on that.**

13 **Q.** All right. By the way, I also  
14 see he put a link here to the secret wanker  
15 meeting page that you said you did view  
16 previously; correct?

17 **A. That is correct.**

18 **Q.** Now, is that the video --

19 **A. I didn't see the whole thing,**  
20 **I saw just a part of it.**

21 **Q.** Okay. Is that video one of  
22 the things that the Amended Complaint sues  
23 Mr. Campbell over?

24 **A. I don't recall.**

1 **Q.** Well, that brings us to  
2 December 2nd. Let's mark as P-244 what is  
3 represented to us as the minutes of the  
4 December 2nd governing board meeting.

5 (Discussion held off the  
6 record.)

7 MR. COHN: We retract P-244.

8 (Discussion held off the  
9 record.)

10 - - -

11 (Whereupon the document was  
12 marked, for identification purposes,  
13 as Exhibit Number P-94.)

14 - - -

15 BY MR. COHN:

16 **Q.** Just so you have it in front  
17 of you, that's P-94.

18 **A. Okay.**

19 **Q.** And it's still P-94.

20 (Discussion held off the  
21 record.)

22 BY MR. COHN:

23 **Q.** Do you review the board  
24 minutes after a meeting when they come out?

1 **A. Yes.**

2 **Q.** Do you recognize this to be  
3 the board minutes from the December meeting?

4 **A. Yes, I do.**

5 **Q.** And we decided this was P --

6 **A. 94.**

7 **Q.** -- 94. Now, whenever you guys  
8 discuss lawsuit stuff --

9 **A. Yes.**

10 **Q.** Whenever you discuss lawsuit  
11 stuff, you do it in an executive session;  
12 correct?

13 **A. That is correct.**

14 **Q.** And you do not make minutes of  
15 that; correct?

16 **A. That is correct.**

17 **Q.** There's a -- there is a minute  
18 made of the fact that there was an executive  
19 session; correct?

20 **A. Correct.**

21 **Q.** By the way, there's a  
22 reference here, we went over a little bit of  
23 it with Mr. Knade about Mr. Mains letting  
24 his lobbying registration lapse. Do you

1 remember that?

2 **A. Yes.**

3 **Q.** Do you remember the period of  
4 time for which he was an unregistered  
5 lobbyist?

6 MR. BROWN: Objection to the  
7 form.

8 THE WITNESS: I was going to  
9 say --

10 MR. COHN: Basis?

11 MR. BROWN: I don't know that  
12 it's been established that he was an  
13 unregistered lobbyist.

14 THE WITNESS: Yes. That  
15 wasn't -- that's what I was going to  
16 say is, that wasn't my understanding.

17 BY MR. COHN:

18 **Q.** Okay. Well, let me ask you a  
19 question. If you get pulled over for not  
20 having your registration current and they  
21 tow your car away, it's because you have an  
22 unregistered vehicle; correct?

23 **A. I don't know, that never**  
24 **happened to me, but...**

1 Q. Do you understand there to be  
2 a distinction between an unregistered  
3 lobbyist in the eyes of the law, who's never  
4 signed up to be a lobbyist, as opposed to a  
5 lobbyist who once was a lobbyist and then  
6 did not maintain the renewal of his lobbying  
7 status?

8 A. I would say, yes, because my  
9 understanding is, there was a small gap in  
10 the time and it was not -- to me, that's not  
11 the same as never registering.

12 Q. Do you have any idea what --  
13 how long that gap was?

14 A. I -- I don't recall. It was  
15 shared with me, and I remember my impression  
16 being, it was a small gap of time.

17 Q. All right. So there was an  
18 executive session here, in item number three  
19 on the first page.

20 A. Yes.

21 Q. A legal issue update.

22 A. Correct.

23 Q. Am I safe in assuming that  
24 what occurred there was, a -- among other

1 transmitted; correct?

2 A. I do.

3 Q. Was that settlement -- Between  
4 December 2nd, the board meeting of December  
5 2nd, and the transmittal of the settlement  
6 letter on December 8th, was there any  
7 further deliberation concerning the lawsuit  
8 against my clients, within the governing  
9 board or with counsel?

10 MR. BROWN: I would instruct  
11 her not to answer what was discussed  
12 with counsel.

13 THE WITNESS: Thank you.

14 MR. COHN: I'm not asking what  
15 was discussed. I want to know, as --  
16 whether the -- I want to know --  
17 Let's do it this way.

18 BY MR. COHN:

19 Q. Was the decision to transmit  
20 the settlement letter of December 8th made  
21 at the executive session of December 2nd?

22 MR. BROWN: I'm going to  
23 instruct her not to answer that. It  
24 still covers the discussions with

1 things, a discussion of the lawsuit against  
2 my clients?

3 MR. BROWN: Objection.

4 THE WITNESS: Am I allowed to  
5 --

6 BY MR. COHN:

7 Q. That the subject matter -- was  
8 that the subject matter of -- of the  
9 executive session?

10 A. There were several subject  
11 matters.

12 Q. Was that one of them?

13 THE WITNESS: Am I allowed to  
14 answer that?

15 MR. BROWN: You can answer  
16 that, what the subject was, just not  
17 what the discussion was.

18 THE WITNESS: Yes.

19 BY MR. COHN:

20 Q. And, we'll get to it shortly,  
21 but on December 8th Mr. Levin sent me a  
22 letter that contained a bunch of legal  
23 assertions, and made a settlement proposal,  
24 which we'll get -- but you remember that was

1 counsel.

2 THE WITNESS: That's why I was  
3 struggling, yeah.

4 BY MR. COHN:

5 Q. Was the December 8th  
6 settlement proposal authorized by the  
7 governing board?

8 A. How do I say this? The  
9 governing board -- Clarify what you mean by  
10 authorized.

11 Q. Did Mr. Levin have authority  
12 to transmit the settlement demand of  
13 December 8th to me?

14 A. Yes.

15 Q. Did he have -- Was that  
16 authority something that was specifically  
17 given to him in December by the governing  
18 board?

19 A. I'm not -- I'm not sure how to  
20 answer your question because when you say,  
21 "specifically given to him", could you  
22 clarify what you mean?

23 Q. Well, let's mark this.

24 MR. COHN: Have we marked this

1 before, 114?  
2 MR. ERIC ROSENBERG: I don't  
3 believe so.

4 - - -

5 (Whereupon the document was  
6 marked, for identification purposes,  
7 as Exhibit Number P-114.)

8 - - -

9 BY MR. COHN:

10 Q. All right. We're going to  
11 mark P-114.

12 (Discussion held off the  
13 record.)

14 BY MR. COHN:

15 Q. Are you familiar with this  
16 letter?

17 A. Yes.

18 Q. Did you see this letter, or a  
19 draft of this letter, before it was sent to  
20 me?

21 A. No.

22 Q. Were you provided with this  
23 letter at or around the time that it was  
24 sent to me?

1 PSBA? Did Mike Levin send these to me  
2 unauthorized?

3 A. No.

4 Q. Was this authorized at the  
5 level of the governing board?

6 A. I'm --

7 Q. It was or it wasn't. I'm not  
8 asking you what you told your lawyer or what  
9 your lawyer told you.

10 A. I know. I'm -- I'm trying to  
11 understand, again, the use of the word,  
12 "authorize" when you say this.

13 Q. I was talking about the  
14 framework that is being proposed.

15 And let's just be clear here.

16 A. Yeah.

17 Q. The first several pages of  
18 this letter are devoted to -- largely to Mr.  
19 Levin's attempt to convince me that PSBA's  
20 lawsuit had merit, and to convince me that  
21 the position that PSBA was a state actor was  
22 not meritorious; correct?

23 A. Correct.

24 MR. BROWN: I object to the

1 A. Yes.

2 Q. If you will turn to the fourth  
3 page.

4 A. (Complying with request.)

5 Q. There is a settlement  
6 framework that is proposed that has 12  
7 points.

8 A. Uh-huh.

9 Q. Do you see that?

10 A. I do.

11 Q. Did you understand, before  
12 this letter was transmitted, that this  
13 proposal was going to be made to me?

14 THE WITNESS: Can I answer  
15 that?

16 MR. BROWN: You can answer if  
17 it doesn't depend on what was told to  
18 you by counsel.

19 THE WITNESS: That's what I'm  
20 saying. It was discussed with  
21 counsel, so --

22 BY MR. COHN:

23 Q. Well, was this letter -- were  
24 these 11 points, 12 points, unauthorized by

1 characterization.

2 BY MR. COHN:

3 Q. Is that -- is he telling me  
4 anything other than the position that you  
5 understood? I mean, he wasn't giving me a  
6 legal position that's different from the  
7 legal position that -- that you were  
8 understanding, was it?

9 A. Right, but here's -- here's --  
10 if I share with you what -- what --

11 MR. BROWN: To the extent --

12 THE WITNESS: Yeah.

13 MR. BROWN: -- that your  
14 understanding is what was told to you  
15 by counsel, you do not have to answer  
16 the questions.

17 THE WITNESS: Okay. Then I  
18 will say to you that I, as a board  
19 member, was aware that -- generally.

20 BY MR. COHN:

21 Q. And to -- to the extent that  
22 you had an understanding of the law, this  
23 letter is consistent with what you  
24 understood the law to be; correct?

1 **A. What do you mean?**

2 **Specifically which law?**

3 **Q.** The law of defamation, the law  
4 of First Amendment, the law of Civil Rights,  
5 the law of State Action.

6 **A. Yeah, I don't --**

7 **MR. BROWN:** I'll object just  
8 to the extent that she's not an  
9 attorney, but --

10 **THE WITNESS:** I was going to  
11 say, I don't have good knowledge.

12 **MR. BROWN:** -- but you can  
13 answer the question.

14 **THE WITNESS:** I'm sorry.

15 I did it again. Sorry,  
16 Brigitte.

17 **THE WITNESS:** I don't have  
18 enough knowledge to make -- make that  
19 assertion.

20 **BY MR. COHN:**

21 **Q.** All right. Well, let's --  
22 let's look at this here.

23 **A. Okay.**

24 **Q.** Point number seven is a

1 **board. And I think that, individually, I**

2 **don't have that authority.**

3 **Q.** All right. Now, number eight.  
4 "Mr. Campbell would not engage in defaming  
5 PSBA, its directors, its employees or its  
6 attorneys in the future."

7 **A. Uh-huh.**

8 **Q.** That's a demand of PSBA of my  
9 clients; correct?

10 **A. That's what we would be at --**  
11 **that's what we're asking, yes.**

12 **Q.** And who's -- who's the one  
13 that was supposed to decide what's  
14 defamation?

15 **A. My expectation was that the**  
16 **attorneys would work that out.**

17 **Q.** Do you understand the concept  
18 of prior restraint?

19 **A. No, I do not.**

20 **Q.** It says, "Mr. Campbell would  
21 not use the Right to Know Act for improper  
22 purposes in the future." That's a demand;  
23 correct?

24 **A. Sounds like something that**

1 requirement that Mr. Campbell has to take  
2 down contents from his -- from Web sites;  
3 correct? That's one of your demands?

4 **A. That's what we're asking.**

5 **Q.** Is that still one of your  
6 demands, PSBA's demands to resolve this?

7 **A. I can't speak for PSBA.**

8 **Q.** Is that still a demand that  
9 you would be insisting upon, if your voice  
10 were to be carried today with PSBA?

11 **A. I -- I believe that the**  
12 **go-forward regarding the image of PSBA would**  
13 **have to be a discussion in the settlement.**

14 **Q.** So the PSBA parody on Mr.  
15 Campbell, or PFUR's Web sites is something  
16 that you're still suing over?

17 **MR. BROWN:** Objection.  
18 Attorney/client privilege.

19 **BY MR. COHN:**

20 **Q.** That PSBA is still suing over,  
21 right?

22 **A. I can't speak for PSBA.**

23 **Q.** Who does speak for PSBA?

24 **A. Collectively, as a governing**

1 **would be considered a demand, yes.**

2 **Q.** And that's a demand that PSBA  
3 is making for the benefit of its school  
4 district members; correct?

5 **A. Correct.**

6 **Q.** So, you say -- Number 10, PSBA  
7 writes, "We recognize that some of the  
8 foregoing requirements requiring the drawing  
9 of lines between proper speech and speech  
10 that is not protected." I read that  
11 correctly, even though that's not  
12 grammatically correct; right?

13 **A. Correct.**

14 **Q.** "We would be happy to work  
15 with you to establish standards for where  
16 that line is. Further, we would be happy to  
17 work on procedures for dispute resolution in  
18 the event of future disputes." You see  
19 that?

20 **A. I do.**

21 **Q.** So tell me, in filing the  
22 lawsuit, who was the one that decided where  
23 these lines exist?

24 **MR. BROWN:** Objection. You

1 can answer to the extent that it  
 2 doesn't involve discussions with  
 3 counsel.  
 4 THE WITNESS: Yes. All I can  
 5 say is that, again, it was our  
 6 expectation that that would be worked  
 7 out between the attorneys --  
 8 BY MR. COHN:  
 9 Q. But --  
 10 A. -- **mutually agreeable.**  
 11 Q. But PSBA sued my clients  
 12 because they thought -- PSBA determined that  
 13 my clients had crossed the line with respect  
 14 to the -- the legal use of Right-to-Know Law  
 15 requests; right?  
 16 A. **That is correct, but that's**  
 17 **not the only reason for the suit.**  
 18 Q. Okay. I understand, but  
 19 that's a reason; correct?  
 20 A. **Correct.**  
 21 Q. Okay. Now I want to know, who  
 22 appointed PSBA as the arbiter of where the  
 23 line is for Right-to-Know Law requests?  
 24 MR. BROWN: Objection.

1 requests. You want to impose restrictions  
 2 on those that don't appear in the statute;  
 3 correct?  
 4 MR. BROWN: Objection.  
 5 THE WITNESS: I don't think  
 6 that's what we had in mind. We did  
 7 not have that in mind, no.  
 8 BY MR. COHN:  
 9 Q. Well, where in the statute  
 10 does it say how many Right-to-Know Law  
 11 requests somebody can make?  
 12 A. **I don't think it's numbers**  
 13 **that were being referenced here.**  
 14 Q. Oh, it was asking for  
 15 information of the school districts so they  
 16 could get it from PSBA, is that what the  
 17 problem was?  
 18 A. **No.**  
 19 Q. It was broader than that?  
 20 A. **I -- I think that it -- it was**  
 21 **not -- it was not broader than that. It was**  
 22 **just different than what you're saying.**  
 23 Q. Was the problem with -- with  
 24 the Right-to-Know Law request that Mr.

1 THE WITNESS: I don't think we  
 2 claimed that anybody appointed us to  
 3 that. It's regarding this suit.  
 4 BY MR. COHN:  
 5 Q. Okay. But no Right-to-Know  
 6 Law requests were made directly of PSBA,  
 7 were they?  
 8 A. **No.**  
 9 Q. Okay. So is it fair to say  
 10 then that PSBA was suing in a representative  
 11 capacity on behalf of its members in trying  
 12 to sue Mr. Campbell and PFUR for making  
 13 Right-to-Know Law requests to its members?  
 14 MR. BROWN: Objection.  
 15 BY MR. COHN:  
 16 Q. You can answer.  
 17 A. **I don't -- no. I think we --**  
 18 **I don't think we're suing on behalf of the**  
 19 **members. I think that, you know, that it**  
 20 **was based on the go forward idea that, you**  
 21 **know, what we would like to see happen going**  
 22 **forward.**  
 23 Q. So you want to control Mr.  
 24 Campbell's ability to make Right-to-Know Law

1 Campbell attached links to videos?  
 2 MR. BROWN: I'm going to  
 3 object just to the extent that what  
 4 was intended appears in the Complaint  
 5 and the Amended Complaint.  
 6 BY MR. COHN:  
 7 Q. I think we're done with that  
 8 one.  
 9 MR. COHN: And I think we're  
 10 up to P-245.  
 11 (Discussion held off the  
 12 record.)  
 13 - - -  
 14 (Whereupon the document was  
 15 marked, for identification purposes,  
 16 as Exhibit Number P-245.)  
 17 - - -  
 18 (Discussion held off the  
 19 record.)  
 20 - - -  
 21 BY MR. COHN:  
 22 Q. This is my e-mail back to Mr.  
 23 Levin with a copy to Mr. Heim, dated Sunday,  
 24 December 10th, 2017.



1 (Discussion held off the  
2 record.)

3 BY MR. COHN:

4 Q. Do you see this e-mail?  
5 Not now. Were you given a  
6 copy of this e-mail at around the time that  
7 it was sent?

8 A. **I think -- give me one second**  
9 **to just scan it. I'm trying to trigger my**  
10 **memory here. There are a lot of e-mail.**  
11 **Yes, I do remember receiving**  
12 **this.**

13 Q. Now, you say you've read the  
14 briefs that have been filed in the federal  
15 lawsuit, right?

16 A. **That is correct.**

17 Q. The fundamental arguments on  
18 state actor are the second, the third and  
19 fourth paragraph of this. Do you see that?

20 A. **I do.**

21 Q. They're not fundamentally  
22 different from the arguments that we now  
23 have in front of Judge Dubois; right?

24 A. **I --**

1 after the federal suit gets underway." Do  
2 you see that?

3 A. **I do.**

4 Q. I wrote, "The old saw that  
5 when you find yourself in a hole, stop  
6 digging is fully applicable to PSBA's  
7 predicament. And the filing of anything  
8 other than a with prejudice discontinuance  
9 of the state court SLAPP suit tomorrow will  
10 only serve to deepen PSBA's hole." Do you  
11 see that?

12 A. **I do.**

13 Q. And after inviting somebody  
14 else to come talk to me about compensating  
15 my clients and paying their attorneys' fees,  
16 I said, "Until then, to coin a phrase, see  
17 you in court." That's how I ended this  
18 letter; right?

19 A. **That is correct.**

20 Q. And you received this letter  
21 around the time I sent it; right?

22 A. **That's correct.**

23 Q. Did you have any doubt in your  
24 mind that I was going to follow through with

1 MR. BROWN: Objection.

2 THE WITNESS: -- disagree.

3 BY MR. COHN:

4 Q. Anyway, so on the 10th this  
5 offer of the 8th was -- was rejected;  
6 correct?

7 A. **I -- On the 10th, this is your**  
8 **letter -- you are rejecting it.**

9 Q. Yes, on behalf of my clients.

10 A. **Okay. I just want to make**  
11 **sure that --**

12 Q. Yes, yes, yes.

13 A. **-- we were speaking the same**  
14 **language. Yes.**

15 Q. Yes, yes, yes. I know, we got  
16 the Brit here.

17 So I wrote at the end, "If  
18 PSBA really wants to die on this hill,  
19 that's fine with my clients and I will now  
20 sleep soundly at night, having twice given  
21 PSBA opportunities to get down off its high  
22 horse for far less than the federal  
23 defendants and/or their insurers are going  
24 to have to pay to resolve this situation

1 my clients in filing a federal lawsuit --

2 A. **No.**

3 Q. -- if this case was not  
4 dismissed?

5 A. **No, I had no doubt.**

6 Q. Okay. So going back to your  
7 straw poll that you referenced, was that  
8 taken before or after my letter was sent on  
9 the 10th? My e-mail?

10 A. **I don't recall.**

11 Q. Do you remember whether or not  
12 it was taken before or after the governing  
13 board meeting?

14 A. **I believe it was taken after**  
15 **the governing board meeting.**

16 Q. Do you remember whether it was  
17 taken before or after Mr. Levin sent me the  
18 settlement demand letter, which is Exhibit  
19 P-114, on Friday, December 8th?

20 A. **I don't recall.**

21 Q. Let me see if there's anything  
22 in here --

23 MR. COHN: Are you going to  
24 get me the -- the corrected privilege

1 log?

2 MR. BROWN: I will.

3 MR. COHN: I'm going to have  
4 to reopen these depositions if this  
5 is not done quickly.

6 MR. COHN: All right. So why  
7 don't we do it this way.

8 Have I already marked the  
9 privilege log?

10 Exhibit 105. Here it is.

11 Let's make sure you get a clean one.

12 Did I already mark this?

13 MR. BROWN: Yes, you did.

14 BY MR. COHN:

15 Q. P-105, this is the privilege  
16 log, such as it is.

17 And why don't you to turn to  
18 page 47? Actually, 48. And you will see on  
19 the 5th there is an e-mail that says, "PSBA  
20 guidance to districts." And I don't know --  
21 As far as I know, that's not the accurate re  
22 of the e-mail, but there is a December 5  
23 e-mail that is showing that it went from Mr.  
24 Mains to the governing board, with copies to

1 are covered by attorney/client

2 privilege, whether there was a straw  
3 poll or not.

4 MR. COHN: Well, we know there  
5 was a straw poll. And the fact of it  
6 is one thing. And attorney/client  
7 communications and attorney/client  
8 things are another thing. This is a  
9 vote on whether to do something. To  
10 vote -- and frankly, we are going to  
11 have a big privilege fight at some  
12 point, especially if you're going to  
13 take this because all of this is at  
14 issue.

15 Do you think that that kind of  
16 vote is privileged? Well, Mr. Mains  
17 on October 16th said everybody voted  
18 in favor unanimously to start this  
19 lawsuit. If that was privileged,  
20 this is all at issue now.

21 MR. BROWN: Well, that was a  
22 different vote.

23 MR. COHN: That doesn't  
24 matter. If you're saying votes are

1 Mr. Levin and Mr. Heim. And then there's an  
2 e-mail of the 6th that says, re: Settlement  
3 offer, that goes again to the governing  
4 board with the same ccs.

5 A. Uh-huh.

6 Q. And there's an e-mail that  
7 comes in from you on the 6th that says,  
8 e-mail re settlement offer.

9 There's an e-mail that comes  
10 in from Mr. Faccinnetto. There's an e-mail  
11 that comes in from Mr. Voit. There's an  
12 e-mail that comes in from Mr. Hutchinson.  
13 There's an e-mail that comes in from Mr.  
14 Wolfgang and Ms. Foltz.

15 A. Uh-huh.

16 Q. And Mr. O'Keefe on the 7th and  
17 Mr. Levin -- I'm sorry. With this in your  
18 view, would I be correct in surmising that a  
19 straw poll -- e-mail straw poll was  
20 initiated on the 6th by Mr. Mains and  
21 responded to by the governing board  
22 directors on the 6th and 7th?

23 MR. BROWN: I'm -- I'm going  
24 to instruct her not to answer. These

1 privileged, then you've got a subject  
2 matter privilege over here -- problem  
3 here. If you want to say, we're not  
4 going to -- I'm not asking for  
5 advice. I'm not asking for if advice  
6 was asked. I have an e-mail that was  
7 sent to a governing board, say yay or  
8 nay. Do we make, do we continue a  
9 lawsuit? Do we continue a lawsuit?

10 MR. BROWN: I see no basis for  
11 that. I don't have this e-mail in  
12 front of me. I don't know if that  
13 straw poll that she was mentioning --

14 MR. COHN: I'm not asking  
15 about what's in an e-mail. I am  
16 asking -- she already told me there's  
17 a straw poll. I'm trying to get the  
18 date. Was the straw poll taken on  
19 the 6th or the 5th?

20 MR. BROWN: If you know the  
21 date. I am instructing you not to  
22 answer as far as --

23 THE WITNESS: To be honest  
24 with you --

1 MR. BROWN: -- what the e-mail  
2 said.

3 THE WITNESS: -- I do not  
4 remember what the date was. And I  
5 don't know for sure.

6 BY MR. COHN:

7 Q. Did anybody ever communicate  
8 the results of the straw poll to you?

9 A. **I don't recall.**

10 Q. So the next day the Amended  
11 Complaint was filed, on the 11th.

12 A. **Okay.**

13 Q. Okay? We'll go look at the  
14 Amended Complaint. Did you look at the --  
15 Were you provided with a draft of the  
16 Amended Complaint before it was filed?

17 A. **No.**

18 Q. Have you ever seen the Amended  
19 Complaint?

20 A. **I don't know.**

21 Q. Was the straw poll -- Was  
22 there -- was there any dissent to the straw  
23 poll?

24 A. **I wouldn't -- I did not**

1 Q. Okay. The first one you read  
2 carefully and this one you scanned?

3 A. **The first -- yes. That is**  
4 **accurate.**

5 Q. Did you look at the -- did you  
6 happen to notice the last attachment? The  
7 Exhibit I --

8 A. **Uh-huh.**

9 Q. -- to this?

10 A. **I saw it when I was paging**  
11 **through here.**

12 Q. Did you see it at the time?

13 A. **I don't recall.**

14 Q. Do you know who these redacted  
15 e-mails came from?

16 A. **No, I do not.**

17 Q. Did you understand that, in  
18 addition to suing for Mr. Campbell and  
19 PFUR's communications in the original  
20 Complaint, the Amended Complaint is -- was  
21 now suing Mr. Campbell for subsequent  
22 communications with school districts?

23 A. **Yes.**

24 Q. Did you have a discussion

1 **receive the other -- all of the responses.**

2 Q. Okay. So we're looking at  
3 P-107, which already is marked. Here you  
4 go. Here is the Amended Complaint that Mr.  
5 Heim caused to be filed in Cumberland County  
6 on December 11th. My question is, whether  
7 or not you've ever seen that before.

8 A. **I read a Complaint. I don't**  
9 **know which one I read, whether I read the**  
10 **original or the amended.**

11 **No, actually this one has --**  
12 **let me look at this a minute. Hold on.**

13 **Yes, I do. I did see this. I**  
14 **did not read it word for word.**

15 Q. How can you, in your mind,  
16 distinguish this one from the original  
17 Complaint?

18 That is -- and -- and -- Let  
19 me back this up.

20 Now that you see -- that  
21 you've seen this one, does that mean you  
22 didn't see the other one, or you didn't see  
23 that one, or you've seen both of them?

24 A. **I have seen both of them.**

1 about that before those allegations were  
2 added with anyone?

3 A. **That would have involved our**  
4 **attorney. So I don't think I can share that**  
5 **with you.**

6 Q. Did you -- did you personally  
7 approve of suing Mr. Campbell for his  
8 efforts to get school districts to pass  
9 objector resolutions?

10 A. **Could you repeat the question,**  
11 **please?**

12 Q. Did you approve of the  
13 decision to sue Mr. Campbell for his efforts  
14 to get the school districts to pass objector  
15 resolutions?

16 MR. BROWN: Objection to the  
17 form.

18 MR. COHN: Basis?

19 MR. BROWN: As far as approve,  
20 what do you mean by that?

21 MR. COHN: You approve.

22 THE WITNESS: Personally?

23 BY MR. COHN:

24 Q. Yes.

1 A. Yes.

2 Q. Yes. Okay. Now was it --

3 This wasn't a Right-to-Know-Law request  
4 attached here, was it?

5 A. **It says, new Right-to-Know Law**  
6 **request attached.**

7 Q. Okay. So you're suing him,  
8 Mr. Campbell, at this point, for making a  
9 Right-to-Know Law request subsequent to July  
10 of 2017, PSBA is suing?

11 A. **I don't think -- I guess I**  
12 **would say, the way you phrase the question,**  
13 **I can't say yes because it sounds like we're**  
14 **objecting to that he's making a request. It**  
15 **was deeper than that, is what I'm saying.**

16 Q. Okay. So was the content of  
17 the e-mail -- we -- we just went through  
18 substantially all of the e-mails that were  
19 --

20 A. **Uh-huh.**

21 Q. -- sent to you and to your  
22 school district subsequent to July 17th, up  
23 to December.

24 A. Yes.

1 Q. And something about the  
2 content of those e-mails gave PSBA the basis  
3 to assert further claims against Mr.  
4 Campbell --

5 A. Yes.

6 Q. -- is that what you're telling  
7 me?

8 A. **That is what I'm telling you,**  
9 **yes.**

10 Q. Okay. Can you tell me what?

11 A. **I don't recall.**

12 Q. Was it the secret wanker  
13 video?

14 A. **That offended me personally,**  
15 **so that would be one of them.**

16 Q. Okay, so that's one of the  
17 bases on which PSBA was suing, was for the  
18 secret wanker video?

19 A. Yes.

20 MR. BROWN: Objection to the  
21 form. I don't know that that's what  
22 she said.

23 BY MR. COHN:

24 Q. You can answer.

1 A. **No, no. But that would be the**  
2 **type of thing that would be representative**  
3 **of the statement I am making.**

4 Q. .All right, so Mr.Campell  
5 doesn't have a First Amendment right to send  
6 a parody to the government; correct?

7 MR. BROWN: Objection to the  
8 form.

9 THE WITNESS: I didn't say  
10 that. I said that I didn't view it  
11 as parody.

12 BY MR. COHN:

13 Q. Are you aware of Mr. Mains  
14 reaching out to Mr. Poirier in May of 2017?

15 A. **Who?**

16 Q. Mr. Poirier?

17 A. **I don't know Mr. Faryay.**

18 **Who's --**

19 Q. Poirier.

20 A. **Oh, Poirier. Oh, oh --**

21 Q. Do you know who he is?

22 A. **Yes. I'm sorry.**

23 Q. Yes.

24 A. **I misunderstood what you're**

1 **saying.**

2 Q. Who's he?

3 A. **He is the President of C.M.**  
4 **Regent Insurance Company.**

5 Q. He's the Chairman of the Board  
6 -- the President and the Chairman of the  
7 Board of C.M. Regent; correct?

8 A. **That is correct.**

9 Q. He's, in fact, the president  
10 and CEO of Church Mutual, the parent.

11 A. **That is correct.**

12 Q. Correct?

13 A. **Uh-huh.**

14 Q. So are you aware of his e-mail  
15 to Mr. Poirier in -- in May of last year?

16 A. **Concerning what?**

17 Q. Let me get it. Give me a  
18 moment. Hold on.

19 Yes, P-55. Did we already  
20 mark that?

21 COURT REPORTER: Yes.

22 BY MR. COHN:

23 Q. Here we go, P-55.

24 Have you ever seen that e-mail

1 before?

2 **A. No.**

3 **Q.** Did you ever have any  
4 conversation with Mr. Mains about that  
5 e-mail?

6 **A. No.**

7 **Q.** Have you ever considered the  
8 potential impact of PSBA's actions upon C.M.  
9 Regent?

10 **A. I am sorry, I don't understand**  
11 **the question.**

12 **Q.** Have you ever considered the  
13 potential impact of PSBA's lawsuit against  
14 my clients upon C.M. Regent?

15 **A. No.**

16 **Q.** Do you know who insures your  
17 home school district for E&O -- errors and  
18 omission liability?

19 **A. Yes.**

20 **Q.** Who's that?

21 **A. C.M. Regent.**

22 **Q.** Do you know how many of the  
23 current and former governing board  
24 directors' home districts are insured by

1 assistance, if any, C.M. Regent has given to  
2 PSBA with respect to the lawsuit against my  
3 clients?

4 **A. None that I'm aware of.**

5 **Q.** Do you have any idea why Mr.  
6 Poirier would be offering to assist PSBA in  
7 the lawsuit against my clients?

8 **A. I do not know.**

9 **Q.** Looking at Mr. Mains' e-mail,  
10 he writes that Mr. Campbell is very angry  
11 that PSBA continues to provide our members  
12 with advice on how best to approach these  
13 requests to stay within the law while  
14 granting nothing additional. Do you see  
15 that?

16 **A. I do.**

17 **Q.** Is that consistent with your  
18 understanding of the advice that PSBA was  
19 providing to its school district members?

20 **A. I think that the advice that**  
21 **was being provided was to help our districts**  
22 **best decide what possible options they have.**

23 **Q.** Do you have any reason to  
24 disagree with the way that Mr. Mains

1 C.M. Regent?

2 **A. I think about a third of them.**

3 **Q.** Would it surprise you that a  
4 majority of them are represented -- I'm  
5 sorry -- insured by C.M. Regent?

6 **A. No, I didn't know that.**

7 (Discussion held off the  
8 record.)

9 BY MR. COHN:

10 **Q.** Have you spoke with -- spoken  
11 with Mr. Poirier about this lawsuit?

12 **A. No.**

13 **Q.** Are you aware that a  
14 litigation hold demand has been sent to C.M.  
15 Regent forwarding a copy of that e-mail?

16 **A. No.**

17 **Q.** Do you see the response of Mr.  
18 Poirier to the e-mail?

19 **A. No, I did not, nor was -- oh,**  
20 **yes, on the top.**

21 **Q.** What did he write?

22 **A. Nathan, let us know what we**  
23 **need to assist. Thanks for the heads up.**

24 **Q.** Are you aware of what

1 characterizes this to Mr. Poirier?

2 **A. I will finish reading it.**

3 **Sorry, I didn't get through it all.**

4 **(Reading document.)**

5 **Well, having read the rest of**  
6 **that e-mail from Nathan to Mr. Poirier, I**  
7 **would assume that his reason for -- to your**  
8 **previous question, was to make him aware**  
9 **that C.M. Regent was being mentioned in**  
10 **these e-mails by Mr. Campbell, or in the Web**  
11 **site by Mr. Campbell, it looks like. And so**  
12 **that would be, I guess, the reason for the**  
13 **e-mail. And I would suspect that that would**  
14 **be the reason. So -- and Your follow-up**  
15 **question was?**

16 **Q.** I don't remember if I had a  
17 follow-up question.

18 **A. Okay.**

19 **Q.** But I'm sorry if I'm asking  
20 you two in a row. That's not fair to me or  
21 to you.

22 **A. It's okay.**

23 **Q.** Now, the guidances for  
24 responding to Right-to-Know Law requests,

1 they come in from time to time from PSBA to  
2 the school districts; right?

3 **A. Correct. Guidance of all**  
4 **kinds.**

5 **Q.** And does your home school  
6 district rely on those guidances for how  
7 they respond to Right-to-Know Law requests?

8 **A. Not usually.**

9 **Q.** Do they rely upon the  
10 guidances -- strike that.

11 The -- To be clear, when your  
12 -- when your district is responding to  
13 Right-to-Know Law requests, if you want  
14 legal advice you go to Mr. Fanelli. Correct?

15 **A. That's correct.**

16 **Q.** He's your solicitor; correct?

17 **A. Correct.**

18 **Q.** Ms. Leader is not your  
19 attorney; right?

20 **A. That is correct.**

21 **Q.** Mr. Knade is not your  
22 attorney, right?

23 **A. That is correct.**

24 **Q.** Has your school board ever

1 **Q.** P-246 is an e-mail from me to  
2 a number of school solicitors, dated Sunday,  
3 May 13th, 2018. Take your time and review  
4 that, please.

5 My first question will be  
6 whether or not you've seen that before.

7 **A. (Reviewing document.)**

8 (Discussion held off the  
9 record.)

10 THE WITNESS: I've never seen  
11 this before, to answer your first  
12 question.

13 BY MR. COHN:

14 **Q.** Okay. Are you aware of its  
15 having been sent to Mr. Fanelli?

16 **A. No.**

17 **Q.** Would you have expected, as  
18 the president of the Lewisburg School Board  
19 to have been made aware of this e-mail?

20 **A. No.**

21 **Q.** Would you expect that your  
22 superintendent would have been made aware of  
23 this e-mail?

24 **A. No, probably not.**

1 taken advantage of the PSBA's offer to hire  
2 out Mr. Leader -- I'm sorry, Mr. Knade or  
3 Ms. Leader on an hourly basis --

4 **A. No.**

5 **Q.** -- to do legal work?

6 **A. I'm sorry. No.**

7 **Q.** Are you aware that that  
8 occurs?

9 **A. I know that that is something**  
10 **that is available to our membership.**

11 **Q.** Did you know that the money  
12 that is paid by the hour gets billed by  
13 PSBA, paid to be PSBA and retained by PSBA?

14 **A. I -- Like I said, I don't know**  
15 **that personally, but I would assume that**  
16 **would occur.**

17 (Discussion held off the  
18 record.)

19 - - -

20 (Whereupon the document was  
21 marked, for identification purposes,  
22 as Exhibit Number 246.)

23 - - -

24 BY MR. COHN

1 **Q.** How does your school district  
2 handle notices of claim?

3 **A. Could you specify what you**  
4 **mean by that?**

5 **Q.** A notice of claim for money  
6 damages that might potentially be covered  
7 under your general liability or errors or  
8 omission liability insurance policy. Is  
9 there a policy for handling such notices of  
10 claim?

11 **A. Not that I'm aware of.**

12 **Q.** Are you aware that your errors  
13 and -- do you understand what a claims made  
14 policy is?

15 **A. Yes.**

16 **Q.** Do you understand what a  
17 claims made and reported policy is?

18 **A. Yes.**

19 **Q.** You're on the board of an  
20 insurance company; right?

21 **A. Yes.**

22 **Q.** It's important that you know  
23 those things; right?

24 **A. I do.**



1 Q. You're on the board of the  
 2 Insurance Trust, right?  
 3 A. **That's correct.**  
 4 Q. It's important that you know  
 5 what those things are; right?  
 6 A. **That is correct.**  
 7 Q. You see the e-mail here for --  
 8 for Mr. Fanelli?  
 9 A. **I do.**  
 10 Q. Is that the correct e-mail?  
 11 A. **Actually, I don't see it.**  
 12 **Hold on. Yes, it is. Yes, it is. I did**  
 13 **say that. I thought I did. Yes, that**  
 14 **appears to be correct.**  
 15 Q. All right. Do you see the  
 16 third paragraph from the bottom? It says,  
 17 "Thus, to the extent that anyone needs  
 18 clarification that a claim for monetary  
 19 damages is being asserted." Do you see that  
 20 paragraph?  
 21 A. **No, I don't, I'm sorry.**  
 22 Q. All right. If you go to the  
 23 very end of the second page --  
 24 MR. BROWN: It's the second

1 Q. Okay.  
 2 A. **-- that we would act on that.**  
 3 Q. Okay. "I am writing to you  
 4 because I understand that each of you is the  
 5 solicitor for one of the home school  
 6 districts of the 10 current voting members  
 7 of PSBA governing board, seven of whom are  
 8 currently named as individual defendants."  
 9 Do you see that on the first page?  
 10 A. **Yes.**  
 11 Q. And you see the link to the  
 12 governing board?  
 13 A. **Uh-huh.**  
 14 Q. If somebody clicked on that  
 15 they would see who -- who their governing  
 16 board member would be; right?  
 17 A. **I would suspect that would be**  
 18 **accurate.**  
 19 Q. You would expect your  
 20 solicitor to be careful enough to ascertain  
 21 that; wouldn't you?  
 22 A. **I -- I would -- I can't**  
 23 **presume to know what my solicitor would**  
 24 **think.**

1 page.  
 2 BY MR. COHN:  
 3 Q. -- of the second page.  
 4 A. **Oh, I'm on the wrong page.**  
 5 Q. Sorry, I should have been more  
 6 -- more specific.  
 7 A. **The one that begins,**  
 8 **"Thus"?**  
 9 Q. Yes. Do you see that?  
 10 A. **Okay. Yes, I do see it. Just**  
 11 **let me know when you turn the page because I**  
 12 **was still on the other one.**  
 13 Q. Yes, my bad.  
 14 Is this the sort of  
 15 communication that you would expect  
 16 Lewisburg to forward to its insurance  
 17 carriers to avoid losing the possibility of  
 18 coverage?  
 19 A. **Well, to be honest with you,**  
 20 **the way I'm looking at this, I don't see**  
 21 **anywhere that it mentions a particular --**  
 22 **school districts. So -- It looks like a**  
 23 **general notice out to solicitors. So I**  
 24 **would not have expected --**

1 Q. Okay. But now you're aware of  
 2 it; right?  
 3 A. **Now I am.**  
 4 Q. And you're aware that you're a  
 5 defendant.  
 6 A. **I am aware.**  
 7 Q. And you are aware that this is  
 8 the -- your home district is Lewisburg;  
 9 correct?  
 10 A. **That is correct.**  
 11 Q. And you're aware that this is  
 12 the assertion of a claim; correct?  
 13 A. **Yes.**  
 14 Q. And if you know anything, you  
 15 know that we're not kidding and we don't  
 16 make false promises, do we?  
 17 MR. BROWN: Objection to form.  
 18 THE WITNESS: I can't know  
 19 your mind.  
 20 BY MR. COHN:  
 21 Q. Okay. Has Mr. Campbell said  
 22 that he was going to do anything that he  
 23 hasn't done in this case?  
 24 A. **I would have to review, but**

1 **I've no reason to doubt that this would**  
2 **occur, if that's where you're getting at.**

3 Q. Okay. That's what I'm getting  
4 at.

5 And nobody has made you aware  
6 of this; correct?

7 A. **Of what?**

8 Q. Of this e-mail.

9 A. **I have not seen this e-mail,**  
10 **no.**

11 Q. You know this e-mail was  
12 forwarded by one of these recipients to Mr.  
13 Levin's firm; don't you?

14 A. **No, I did not know that.**

15 Q. You would have liked to have  
16 known that, wouldn't you?

17 MR. BROWN: Objection to form.

18 THE WITNESS: No.

19 MR. COHN: All right. Why  
20 don't we take a break. It might be a  
21 little longer, but I want to get  
22 myself together and see what else I  
23 need to cover. And it will go faster  
24 If I take a little more time. And

1 BY MR. COHN:

2 Q. P-214 is a letter I'd like you  
3 to -- it's the e-mail we just looked at that  
4 was forwarded to Mr. Poirier on the 23rd of  
5 May.

6 A. **Should I keep going or just**  
7 **the first page right now?**

8 Q. No, just the first page.

9 What's attached is what we just went over in  
10 the prior exhibit.

11 A. **Oh, okay.**

12 Q. Have you ever seen this e-mail  
13 before?

14 A. **No, sir.**

15 Q. How often does the C.M. Regent  
16 board meet?

17 A. **Four times a year.**

18 Q. When's your next meeting?

19 A. **We just had one last Thursday.**

20 Q. Mr. Poirier did not bring this  
21 situation to your attention?

22 A. **No, sir.**

23 Q. Do you understand -- You  
24 understand that you have the ability, at

1 right now it's about -- It's about 10  
2 past two. I'd like to have you out  
3 the door certainly well in advance of  
4 three o'clock, if we can, so you  
5 could --

6 THE WITNESS: I appreciate  
7 that, so I can get to the  
8 baccalaureate. That would be  
9 excellent. Thank you.

10 VIDEO TECHNICIAN: The time is  
11 2:10 p.m. We're now off the video  
12 record. This ends media unit number  
13 three.

14 (Whereupon there was a recess  
15 in the proceeding.)

16 VIDEO TECHNICIAN: The time is  
17 now 2:27 p.m. We're back on the  
18 video record. This begins media unit  
19 number four.

20 - - -

21 (Whereupon the document was  
22 marked, for identification purposes,  
23 as Exhibit Number P-214.)

24 - - -

1 least the board collectively has the ability  
2 to prevent the E&O carrier from PSBA from  
3 settling this case, yes?

4 A. **I'm not sure by what means we**  
5 **have to prevent --**

6 Q. Are you familiar with consent  
7 to settle provisions?

8 A. **No.**

9 Q. Okay. Well, we'll represent  
10 to you that the E&O policy for PSBA has a  
11 consent to settle provision pursuant to  
12 which the board can refuse to consent to a  
13 settlement to be funded by its insurance  
14 company, by AIG. The E&O insurer.

15 A. **Uh-huh.**

16 Q. And my understanding -- you  
17 were not aware of that?

18 A. **No.**

19 Q. Okay. Well, so, Is it then  
20 that you did not appreciate that when Mr.  
21 Levin told me there's no -- there's going to  
22 be no consent to any monetary settlement,  
23 that he was, in effect, telling AIG it can't  
24 pay to settle the monetary claims against

1 PSBA? You didn't understand --  
 2 **A. I have no --**  
 3 MR. BROWN: Objection to form.  
 4 THE WITNESS: I have no  
 5 understanding of the legal aspects of  
 6 what you're discussing.  
 7 BY MR. COHN:  
 8 **Q.** Okay. Do you understand that  
 9 your refusal to consent to settlement  
 10 handcuffs PSBA's errors and omissions  
 11 insurer from paying money to my clients to  
 12 get you out of this lawsuit?  
 13 **A. Yes.**  
 14 **Q.** Okay. It's the same for the  
 15 others. Do you understand the nature of the  
 16 E&O policy that covers your home school  
 17 district?  
 18 **A. To what extent?**  
 19 **Q.** Do you know that it does not  
 20 contain a consent to settlement clause?  
 21 **A. No, I did not.**  
 22 **Q.** Do you understand that it has  
 23 a \$25,000 self-insured retention?  
 24 **A. I do know that.**

1 **Q.** And do you understand that  
 2 PSBA's policy has a \$25,000 self-insured  
 3 retention?  
 4 **A. I did not know that.**  
 5 **Q.** Do you understand that it's my  
 6 client's intention, if this goes through to  
 7 the injunction phase, and we get an  
 8 injunction, and then proceeds to the damages  
 9 phase, to amend the Complaint to add your  
 10 home school district as a defendant to seek  
 11 to recover money from your home school  
 12 district?  
 13 MR. BROWN: Objection to the  
 14 form, but you can answer.  
 15 THE WITNESS: You've made me  
 16 aware of that today.  
 17 BY MR. COHN:  
 18 **Q.** Do you perceive the conflict  
 19 of interest inherent in your position?  
 20 **A. No.**  
 21 MR. BROWN: Objection to the  
 22 form.  
 23 BY MR. COHN:  
 24 **Q.** So we previously marked as

1 P-239, the brief that was filed by my  
 2 clients on December 22, 2017 in support of  
 3 their preliminary injunction -- objections  
 4 to the Amended Complaint of PSBA. And  
 5 you've started to look at that. Now I hand  
 6 that to you again.  
 7 **A. Okay.**  
 8 **Q.** And my first question is  
 9 whether or not you've ever seen this?  
 10 **A. Yes.**  
 11 **Q.** Was it provided to you at  
 12 around the time it was filed?  
 13 **A. Which was?**  
 14 **Q.** December 22nd. We wasted no  
 15 time.  
 16 **A. I believe so.**  
 17 **Q.** Did you review it at the time?  
 18 **A. I don't recall. I have seen**  
 19 **it and I have reviewed it, but I don't**  
 20 **recall the timeline as to how close to that**  
 21 **moment that I did.**  
 22 **Q.** Was there any further  
 23 discussion between you and anybody at PSBA  
 24 about whether or not to continue the lawsuit

1 in light of the newly filled preliminary  
 2 objections in December?  
 3 MR. BROWN: I'll instruct you  
 4 not to answer it if there were  
 5 discussions with counsel on that  
 6 topic.  
 7 THE WITNESS: Any discussion  
 8 regarding that would have been with  
 9 counsel, so I'll decline.  
 10 BY MR. COHN:  
 11 **Q.** Following this, was there any  
 12 consideration of directing Mr. Heim not to  
 13 file an opposition to the preliminary  
 14 objections to the Amended Complaint?  
 15 **A. By -- by who?**  
 16 MR. BROWN: Objection.  
 17 BY MR. COHN:  
 18 **Q.** By PSBA.  
 19 **A. I can't speak for PSBA, but I**  
 20 **can say that I'm not aware of a discussion.**  
 21 **Q.** Are you aware of any  
 22 discussion -- Sorry.  
 23 No discussions at all, that  
 24 you're aware of, other than --

1 **A. Not that I can recall.**

2 **Q.** Okay. After the straw vote  
3 you referenced, has there been any other --  
4 from that point forward, any other straw  
5 vote or any other poll of the governing  
6 board to ascertain whether or not they  
7 wanted to continue to proceed with the  
8 underlying action?

9 MR. BROWN: Again, to the  
10 extent that there were discussions  
11 with the counsel --

12 THE WITNESS: I was going to  
13 say, I'm trying -- yeah.

14 MR. BROWN: -- I instruct you  
15 not to answer.

16 THE WITNESS: Yeah, any -- any  
17 discussion would have been with  
18 counsel. I'm trying to think if  
19 there was anything without. And I  
20 can't recall any.

21 BY MR. COHN:

22 **Q.** Were there discussions with  
23 counsel?

24 **A. I am -- I'm trying to recall.**

1 Pennsylvania law?

2 **A. I don't even know what that**  
3 **means, what you're saying.**

4 **Q.** I'm suggesting to you that if  
5 punitive damages are awarded against you,  
6 you're going to have to pay them from your  
7 own family's assets, and nobody can pay you  
8 back, as a matter of Pennsylvania public  
9 policy. Has anybody ever suggested to you  
10 that that might be the case?

11 MR. BROWN: Again, I'll  
12 instruct you not to answer to the  
13 extent it was discussed with you with  
14 counsel.

15 THE WITNESS: Yes it was.

16 BY MR. COHN:

17 **Q.** Have you ever considered that  
18 by taking the legal position that PSBA is  
19 not a government actor, not a state actor?  
20 That you may be forfeiting an argument for  
21 qualified immunity personally?

22 MR. BROWN: Objection.

23 THE WITNESS: I have not  
24 considered that.

1 **There would have been if we discussed that**  
2 **matter, but I don't recall specifically if**  
3 **we did.**

4 **Q.** Well, there are responses to  
5 Requests for Admission that claim that at  
6 least as of April the matter of continuing  
7 the lawsuit had not been brought up for  
8 consideration by the board. Is that -- Are  
9 those responses accurate?

10 **A. Yes.**

11 **Q.** When's your next board  
12 meeting?

13 **A. It's in -- well, we have a --**  
14 **a phone conference in June.**

15 **Q.** Do you have an understanding  
16 of how punitive damages work?

17 **A. Not in depth understanding.**

18 **Q.** Do you have an understanding  
19 that they're not indemnifiable by insurance  
20 companies under Pennsylvania law?

21 **A. No.**

22 **Q.** Do you have an understanding  
23 of -- that they are not indemnifiable by a  
24 not for profit corporation under

1 MR. COHN: I think I have no  
2 further questions. Unless you have a  
3 cross-examination, I think we should  
4 set Ms. Swope free to be on her way  
5 back to Lewisburg.

6 MR. BROWN: I have no  
7 questions for Ms. Swope at this time.

8 VIDEO TECHNICIAN: The time is  
9 now 2:36 p.m. We are off the video  
10 record. This ends media unit number  
11 four in today's deposition. Thank  
12 you.

13 - - -

14 (Witness excused.)

15 - - -

16 (Deposition concluded at  
17 2:36 p.m.)

## 1 CERTIFICATE

2  
3  
4 I do hereby certify that I am a  
5 Notary Public in good standing, that the  
6 aforesaid testimony was taken before me,  
7 pursuant to notice, at the time and place  
8 indicated; that said deponent was by me duly  
9 sworn to tell the truth, the whole truth,  
10 and nothing but the truth; that the  
11 testimony of said deponent was correctly  
12 recorded in machine shorthand by me and  
13 thereafter transcribed under my supervision  
14 with computer-aided transcription; that the  
15 deposition is a true and correct record of  
16 the testimony given by the witness; and that  
17 I am neither of counsel nor kin to any party  
18 in said action, nor interested in the  
19 outcome thereof.

20 WITNESS my hand and official seal  
21 this 14th day of June, 2018.

22 <%signature%>  
23  
24

Notary Public

266

## 1 INSTRUCTIONS TO WITNESS

2  
3 Please read your deposition over  
4 carefully and make any necessary  
5 corrections. You should state the reason in  
6 the appropriate space on the errata sheet  
7 for any corrections that are made.

8 After doing so, please sign the  
9 errata sheet and date it.

10 You are signing same subject to the  
11 changes you have noted on the errata sheet,  
12 which will be attached to your deposition.

13 It is imperative that you return the  
14 original errata sheet to the deposing  
15 attorney within thirty (30) days of receipt  
16 of the deposition transcript by you. If you  
17 fail to do so, the deposition transcript may  
18 be deemed to be accurate and may be used in  
19 court.

1 - - - - -  
2  
3 E R R A T A

4  
5 PAGE LINE CHANGE

6 Reason for Change:  
7  
8 Reason for Change:  
9  
10 Reason for Change:  
11  
12 Reason for Change:  
13  
14 Reason for Change:  
15  
16 Reason for Change:  
17  
18 Reason for Change:  
19  
20 Reason for Change:  
21  
22 Reason for Change:  
23  
24

268

## 1 ACKNOWLEDGMENT OF DEPONENT

2  
3 I, \_\_\_\_\_, do  
4 hereby certify that I have read the  
5 foregoing pages \_\_ to \_\_ and that the same  
6 is a correct transcription of the answers  
7 given by me to the questions therein  
8 propounded, except for the corrections or  
9 changes in form or substance, if any, noted  
10 in the attached Errata Sheet.

11  
12  
13 DATE SIGNATURE

14  
15 Subscribed and sworn to before  
16 me this  
17 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

18 My commission expires:  
19  
20  
21  
22  
23 Notary Public  
24